lution with reference to an American National Astrological Council; to the Committee on the Judiciary.

7716. Also, petition of A. A. of S. E. R. and M. C. E. of A., Gary, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7717. Also, petition of Carpenters Local No. 985, Gary, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7718. Also, petition of the Daughters of the American Revolution, Washington, D. C., petitioning consideration of their resolution with reference to the strengthening of the armed forces and fortifications of the United States; to the Committee on Military Affairs.

7719. Also, petition of Local No. 274, Building and Common Laborers, Lafayette, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7720. Also, petition of the Glass Bottle Blowers Association, No. 133, Indianapolis, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7721. Also, petition of Adam Dombrowski, Pittsburgh, Pa., petitioning consideration of his resolution with reference to antialien bills; to the Committee on Immigration and Naturalization.

7722. Also, petition of Isaac Brasser, of East Williamson, N. Y., petitioning consideration of his resolution with reference to general welfare bills for national relief; to the Committee on Ways and Means.

SENATE

FRIDAY, APRIL 26, 1940

(Legislative day of Wednesday, April 24, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

We thank Thee, O Father, for this beauteous world in which Thou hast placed us, and since it is Thy creation and we ourselves are part of it, may we humbly learn its laws and trust its mighty powers. In our high and noble calling, help us, like all true men, to relate our vocation to the God in whom we believe and to the higher life of the people whom we serve, knowing that our supremest end is activity in the path of highest excellence, which carries the mind upward so that in rare moments it can share the beatitude of the Eternal Mind. Make us worthier of that better, higher world opened for us in the Saviour's broken heart.

We thank Thee for the universe of love and purity in Him, for the grace of His forgiveness, and the renewing crimson flood of His great sacrifice. May we never shrink from the searching and surpassing glory of this world revealed in Christ, and when for us it shall fade away may we not fear to commit ourselves in perfect trust to that other world which shall be our everlasting home in the Father's house of heavenly mansions where we shall see Him face to face and where we shall know even as we ourselves are known. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, April 25, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on April 25, 1940, the President had approved and signed the following acts and joint resolution:

S. 2505. An act to amend an act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, so as to change the date of subsequent apportionments;

S. 2599. An act to amend the Naval Reserve Act of 1938 (Public, No. 732, 52 Stat. 1175);

S. 3528. An act authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State; and

S. J. Res. 218. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Lodge	Sheppard
Ashurst	Davis	Lucas	Shipstead
Austin	Donahey	Lundeen	Slattery
Bailey	Downey	McKellar	Smathers
Bankhead	Ellender	McNary	Smith
Barbour	Frazier	Maloney	Stewart
Barkley	George	Mead	Taft
Bilbo	Gerry	Miller	Thomas, Idaho
Bone	Gillette	Minton	Thomas, Okla.
Bridges	Glass	Murray	Thomas, Utah
Brown	Guffey	Neely	Townsend
Bulow	Gurney	Norris	Truman
Burke	Hale	Nye	Tydings
Byrd	Hatch	O'Mahoney	Vandenberg
Byrnes	Hayden	Overton	Van Nuys
Capper	Herring	Pittman	Wagner
Caraway	Hughes	Reed	Walsh
Chandler	Johnson, Calif.	Reynolds	Wheeler
Clark, Idaho	Johnson, Colo.	Russell	White
Clark, Mo.	King	Schwartz	Wiley
Connally	La Follette	Schwellenbach	

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Alabama [Mr. HILL], the Senator from West Virginia [Mr. HOLT], the Senator from Oklahoma [Mr. LEE], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Maryland [Mr. RADCLIFFE] are detained from the Senate on public business.

The Senator from Rhode Island [Mr. GREEN] and the Senator from Mississippi [Mr. HARRISON] are unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Vermont [Mr. GIBSON], the Senator from Oregon [Mr. HOLMAN], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

RETIRED PAY OF CERTAIN ARMY OFFICERS—VETO MESSAGE (S. DOC. NO. 189)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 1918, a bill "relating to the retired pay of certain retired Army officers."

Under the War Department Appropriation Act for 1923, officers retired under the provisions of that act having more than 10 and less than 20 years' commissioned service were authorized pay at the rate of 2½ percent of their active pay at time of retirement multiplied by the number of years of such service, and the officers retired with more than 20 years' commissioned service were authorized pay at the rate of 3 percent of their active pay multiplied by the complete years of such commissioned service.

This bill would allow certain officers who have performed active duty since retirement under that act to credit such service to increase the multiple of years of commissioned

service in the computation of their retired pay. These officers under the present law are credited with such service for increase of longevity and period pay purposes, as are all other retired officers who have performed active duty since retirement, but such service is not credited to increase the multiple of years of commissioned service or the percentage of active-duty pay to be paid as retired pay, which was definitely fixed by the law under which they were retired.

The War Department in reporting upon this measure is of the opinion that the provisions of the War Department Appropriation Act for the fiscal year 1923, pertaining to pay for those retired under the act, are based upon sound principles and are as liberal to the interest of the individual as is consistent with due regard to the best interest of the Government.

In view of the foregoing, I do not feel justified in giving this bill my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 25, 1940.*

ALLOWANCES TO CERTAIN NAVAL OFFICERS IN THE CANAL ZONE—VETO MESSAGE (S. DOC. NO. 190)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 2348, an act relating to allowances to certain naval officers stationed in the Canal Zone for rental of quarters. The purpose of the enactment is to authorize payments of rental allowance to officers of the Navy and Marine Corps who occupied quarters belonging to the Government and under the jurisdiction of the Panama Canal or the Panama Railroad Co. during the fiscal years 1935 and 1936 for which they paid rental, the law in effect during these years providing that the rental allowance paid such officers should not exceed the rental rate charged for such quarters on March 5, 1934. Certain items of cost to the officers in connection with the rented quarters were by interpretation excluded from the term "rental rate" and the officer was thus not reimbursed all of his costs for quarters. Section 3 of the act of May 13, 1938, Private, No. 510, 52 Statute 1307, applicable to officers of the Army so situated authorized the refund of any collections for such excess payments, or payment of such excess costs to the officer, and S. 2348 is represented as placing officers of the Navy and Marine Corps so situated on the same basis as were officers of the Army by the act of May 13, 1938. The bill, however, provides that notwithstanding any other provision of law relating to rental allowances officers of the Navy and Marine Corps so situated shall receive the full amount of the rental allowance of their grade and period pay authorized by law (37 U. S. C. 10). This provision would give them the maximum amount authorized by the permanent law, would be greatly in excess of the payments made by them, and greatly in excess of the amount payable to an Army officer in the same situation under the act of May 13, 1938. For example, it appears a major of the Army was reimbursed $4.50 excess payment under section 3 of the act of May 13, 1938, while under this enactment a Navy or Marine Corps officer of the equivalent grade and length of service would receive $1,178.37. Furthermore, this amount would include the 5-percent economy deduction in effect from July 1, 1934, to March 31, 1935, which would not have been payable even though the provision for reduction of rental allowance under these circumstances had not been in effect.

There is also in section 2 of the enactment a disparity in the amounts reimbursable among officers of the Navy and Marine Corps identically situated.

I see no basis for providing so much more generously for officers of the Navy and Marine Corps than for officers of the Army serving under identical conditions, and feel compelled, therefore, to withhold my approval of the enrolled enactment. I would not object, however, to the enactment of legislation applicable to officers of the Navy and Marine Corps included within the provisions of the enrolled enactment that would follow the form and secure the same benefits to these officers as is provided by the act of May 13, 1938, for Army officers so situated; that is, place the officers in the same situation they would have been in had they been assigned quarters under the jurisdiction of the Navy Department.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 25, 1940.*

REPORT OF ALASKAN INTERNATIONAL HIGHWAY COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of the act of Congress "to create a Commission to be known as the Alaskan International Highway Commission," approved May 31, 1938, I transmit herewith for the information of the Congress the report of the Commission.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 25, 1940.*

[Note: Report accompanied similar message to the House of Representatives.]

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF THE INTERIOR (S. DOC. NO. 188)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior, fiscal year 1941, in the amount of $12,410,500, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ESTATES OF INDIANS DYING INTESTATE WITHOUT HEIRS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate telegrams in the nature of petitions from Colonel Crawford Camp, No. 105, United Spanish War Veterans, by Jessie Murphy, adjutant, of Connellsville, Pa., and the Thirteenth Minnesota United States Volunteers, by F. W. Pederson and George M. Landon, of St. Paul, Minn., praying for the enactment of the bill (H. R. 289) for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace April 11, 1899, on reconsideration, the objections of the President of the United States to the contrary notwithstanding, which were referred to the Committee on Claims.

He also laid before the Senate a resolution of the District of Columbia Chapter, National Lawyers Guild, protesting against the enactment of the so-called Barden, Norton, and Ramspeck bills, proposing to amend the Fair Labor Standards Act of 1938, which was referred to the Committee on Education and Labor.

He also laid before the Senate resolutions of the District of Columbia Chapter, National Lawyers Guild, protesting against amendment of the National Labor Relations Act as recommended by the so-called Smith committee in House bill 8813, and also the so-called Norton bill, being House bill 9195, which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

Mr. MURRAY, from the Committee on Education and Labor, to which was referred the bill (S. 3607) to authorize research by the Public Health Service relating to the cause, diagnosis, and treatment of dental diseases, reported it without amendment and submitted a report (No. 1528) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 2883) for the relief of Daniel Steele, reported it with an amendment and submitted a report (No. 1529) thereon.

Mr. ELLENDER, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 225) relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area, reported it with an amendment and submitted a report (No. 1530) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3653. A bill for the relief of Algy Fred Giles (Rept. No. 1531); and

H. R. 7074. A bill to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective Departments (Rept. No. 1532).

Mr. MINTON, from the Committee on Pensions, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1138. A bill granting a pension to Mary Jane Blackman (Rept. No. 1533);

S. 2413. A bill granting a pension to Arminda Bauman (Rept. No. 1534);

H. R. 1312. A bill granting a pension to Ernest Francis White (Rept. No. 1535);

H. R. 1379. A bill granting a pension to Timothy A. Linehan (Rept. No. 1536);

H. R. 2143. A bill granting a pension to Helen M. Crowley (Rept. No. 1537);

H. R. 2273. A bill granting a pension to Lizzie May Wilbur Clayton (Rept. No. 1538);

H. R. 2285. A bill granting a pension to Maud Patterson (Rept. No. 1539);

H. R. 5007. A bill granting a pension to John W. Swoveland (Rept. No. 1540);

H. R. 7147. A bill to amend the service pension acts pertaining to the War with Spain, Philippine Insurrection, and the China relief expedition to include certain continuous service (Rept. No. 1541);

H. R. 7733. A bill to provide increased pensions for veterans of the Regular Establishment with service-connected disability incurred in or aggravated by service prior to April 21, 1898 (Rept. No. 1542); and

H. R. 7981. A bill to grant pensions to certain unremarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905 (Rept. No. 1543).

Mr. MINTON also, from the Committee on Pensions, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 537. A bill granting a pension to Alice F. Thomas (Rept. No. 1544);

S. 1009. A bill granting a pension to Bert W. Helmer (Rept. No. 1545);

S. 1771. A bill granting a pension to James A. Coffelt, Sr. (Rept. No. 1546); and

S. 2263. A bill granting a pension to Timothy C. Toler (Rept. No. 1547).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHANDLER:

S. 3862. A bill granting a pension to Cynthia Mayes; to the Committee on Pensions.

By Mr. SMATHERS:

S. 3863. A bill granting a pension to Frances Cleveland Preston; to the Committee on Pensions.

By Mr. BAILEY:

S. 3864. A bill to apply laws covering steam vessels to certain passenger-carrying vessels; and

S. 3865. A bill to amend and clarify certain acts pertaining to the Coast Guard, and for other purposes; to the Committee on Commerce.

By Mr. THOMAS of Oklahoma:

S. 3866. A bill for the relief of George W. Coon; to the Committee on Claims.

By Mr. MEAD:

S. 3867. A bill to establish a ratio within which banks may expand their deposit liabilities based upon their capital, surplus, and undivided profits, and for other purposes; to the Committee on Banking and Currency.

By Mr. BURKE:

S. 3868. A bill for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration; to the Committee on Claims.

By Mr. HAYDEN:

S. 3869. A bill to authorize the participation of States in certain revenues from national parks, national monuments, and other areas under the administrative jurisdiction of the National Park Service, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. KING:

S. 3870. A bill to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia," approved February 23, 1905; to the Committee on the District of Columbia.

By Mr. NEELY:

S. 3871. A bill to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, as amended, and for other purposes; to the Committee on the District of Columbia.

By Mr. WHEELER:

S. 3872. A bill to incorporate the Society of American Foresters; to the Committee on the Judiciary.

PROTECTION OF CERTAIN FOREIGN PROPERTY WITHIN THE UNITED STATES—AMENDMENTS

Mr. DANAHER submitted several amendments intended to be proposed by him to the joint resolution (S. J. Res. 252) to amend section 5 (b) of the act of October 6, 1917, as amended, and for other purposes, which were ordered to lie on the table and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. DANAHER submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8745) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

At the proper place in the bill, under the caption "National Park Service", insert the following:

"Navy and Marine Memorial: For labor and materials, including the preparation of revised plans and specifications, as may be necessary for the completion of the Navy and Marine Memorial, Washington, D. C., to be expended during the fiscal year 1941 under the direction of the National Park Service, $100,000."

Mr. DANAHER also submitted an amendment intended to be proposed by him to House bill 8745, the Interior Department appropriation bill, 1941, which was referred to the Committee on Appropriations and orders to be printed.

(For text of amendment referred to, see the foregoing notice.)

INVESTIGATION OF RAILROAD FINANCING—LIMIT OF EXPENDITURES

Mr. TRUMAN submitted the following resolution (S. Res. 264), which was referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce, authorized by Senate Resolution 71 and Senate Resolution 227, Seventy-fourth Congress, and Senate Resolution 86 and Senate Resolution 273, Seventy-fifth Congress, to investigate railroad financing and certain other matters, is hereby authorized to expend from the contingent fund of the Senate, in furtherance of the purposes of the above-mentioned resolutions, $5,000 in addition to the amounts heretofore authorized for said purposes.

ADDRESS BY SENATOR WALSH ON NEEDS OF THE NAVY

[Mr. WALSH asked and obtained leave to have printed in the RECORD a radio address delivered by him on April 25, 1940, on the subject, The Needs of Our Navy, which appears in the Appendix.]

ARTICLES ON THE NAVY BY SENATOR NYE AND SECRETARY EDISON

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD articles on the Navy by Senator NYE and the Secretary of the Navy, which appear in the Appendix.]

ADDRESS BY SENATOR REYNOLDS BEFORE AMERICAN DEFENSE SOCIETY

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address delivered by him before the American Defense Society at New York City, April 13, 1940, which appears in the Appendix.]

SENATOR M'NARY AND THE REPUBLICAN PRESIDENTIAL NOMINATION

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an article published in the Richmond (Va.) Times-Dispatch of April 26, 1940, dealing with a mock Republican convention held by the students of Washington and Lee University at Lexington, Va., April 25, which appears in the Appendix.]

THE FARM CREDIT ADMINISTRATION

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial published in the Washington Post of today with reference to the Farm Credit Administration, which appears in the Appendix.]

TROJAN HORSE—F. B. I.—HOOVER SPEECH

Mr. BRIDGES. Mr. President, just as the American youth of another generation remember the Black Sox baseball scandal as something base and shocking to their faith, present-day American youth idolize J. Edgar Hoover and his G-men as the symbol of integrity, courage, and right. A few years ago, Mr. President, we glorified the gangster and the leader of criminal mobs. If J. Edgar Hoover never does another thing, this country owes him a debt of gratitude for having brought about a glorification of law and order.

Yesterday in this Chamber two distinguished Members of this body rose and criticized Mr. Hoover and the activities of the F. B. I. I should like to tell a little of the other side of the picture.

Recently the Federal Bureau of Investigation and Mr. Hoover have been the subject of an intensive "smear" campaign. They have been vilified by being compared to the secret police of Nazi Germany and Communist Russia. Now, what is the source and what is the purpose of this widespread and incessant attack upon the F. B. I.? Whence come these charges that the F. B. I. is an Ogpu or a Gestapo? If we will but study the source of the attack, I think we shall have the answer to the purpose. The purpose, Mr. President, is to destroy another American citadel of faith and decency. Also, let us not forget that the first step in the demoralization of a nation is the undermining and discrediting of its law-enforcement agencies.

The origin of the campaign is quite clear. It was the arrest in Detroit, early this year, of 17 Communists who had been indicted by a Federal grand jury on charges of soliciting recruits to fight in the recent war in Spain. These cases were subsequently ordered dismissed by Attorney General Jackson, although, as I pointed out in my recent remarks concerning the Department of Justice, cases of a like nature are being pressed against members of the so-called Christian Front in New York. Naturally, I hold no brief whatever for the Christian Front; but I cannot understand why the charges against one ideological group are dismissed, while those against the other are pressed.

Notwithstanding that these Detroit Communists have been freed, the radical forces, the false liberals, and the "pinks" throughout the country are up in arms against Mr. Hoover and the F. B. I. Around Washington my colleagues know as well as I there are rumors that prominent new dealers are using some of these radical elements to "get" J. Edgar Hoover. As I previously said, these rumors are to the effect that they wish to control the entire Department of Justice and pass upon the question of who is to be prosecuted and who is not to be prosecuted without hindrance. I have said that these rumors should be sifted, because, obviously, they make for a very unhealthy situation within one of the most important governmental agencies. The President himself supported appropriations for Mr. Hoover's division to be used for ferreting out spies and saboteurs in this country. With wars going on all over the world, it seems to me that this is a poor time to go trafficking in politics with the avowed purpose of "purging" some of the personnel of the Nation's greatest law-enforcement agency.

But on the question of the "smear" campaign against Mr. Hoover, we do not have to depend upon rumor. I hold in my hands a photostatic copy of a paper called The Review, a Communist publication edited by a Communist by the name of Joe Clark. In screaming headlines it says, "G-Men or Gestapo?" It goes on to charge that the F. B. I. is being used to smash the workers as the "war-mad Roosevelt administration reaches out its long reactionary arm to smash all antiwar forces." It carries a photograph of the Detroit men chained together. Beneath are the lines:

CHAINS ON DEMOCRACY

J. Edgar Hoover's stormtroopers raided the homes of these young Detroit citizens and dragged them off in chains to jail.

I ask that this photostatic copy be inserted in the RECORD as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

G-MEN OR GESTAPO?

History repeats itself as the war-mad Roosevelt administration reaches out its long reactionary arm to smash all antiwar forces.

It's an axiom that President Wilson learned in '17: Labor's voice must be silenced to get America into imperialist war.

That's why the G-men are used today to do the same dirty work that the Gestapo agents perform for Hitler.

Armed with an additional appropriation of $1,300,000—which brings its budget to a new high of $8,775,000—J. Edgar Hoover's own Gestapo is already terrorizing the labor and progressive movement in a drive to whip up the war hysteria necessary to drag us "over there."

We charge the Department of Justice is engaged in a gigantic un-American conspiracy against the people.

Last month it announced that a list was almost completed of persons and groups to be raided and jailed "if we should become involved in a conflict with some other power." It's the old gag of protecting those in power who betray the people by throwing their leaders into the bastille. We had a dose of it back in 1920 in Attorney General Palmer's "red raids" of nearly 5,000 homes of labor leaders in a single night. The stage is set for a repeat performance. And J. Edgar Hoover, who was chief trigger-man for Palmer, is set to play the lead again.

On February 16, without legal warrants, the Government stormtroopers broke into 11 homes in Detroit in the middle of the night, ransacking their belongings, terrorizing their families, and finally dragging 11 people through the streets as common criminals.

And you know what their "crime" was? Aid to Spain.

Using the flimsy excuse that they were looking for one of the Detroit "criminals," the G-men struck again, breaking into the New York office of the Friends of the Abraham Lincoln Brigade.

Then, 2 weeks ago, the Worcester frame-up. The G-men had planted a "fink" in the Worcester Youth Council sometime ago. To ferret out "foreigners"? No! To wreck the rising progressive youth movement in Worcester.

And how many more stool pigeons are planted in progressive organizations in order to spy on them and smash them?

The F. B. I. announces it is combatting espionage and sagotage in industry. But have they turned up a single case of espionage or sabotage? They have not. They are not interested in that. Their self-confessed aim of planting informers, stool pigeons, and labor spies in over 500 industrial plants in this country is aimed at you—at your union—at labor. It's a program for spy hunting.

And while the G-men wield the club and gun in the North, the Ku Klux Klan rides again in the Southland.

But the G-men refuse to stop this mob violence, vigilantism, and lynching.

They refuse—just as they refuse to prosecute any un-American activity. That isn't their job. Their job is to push America into the war—and the more brutally the better.

This is an attack upon you—upon your organization—upon your liberties. Be vigilant. Watch for this un-American, antilabor activity. Expose it wherever you find it.

Detroit slowed up the work of this American Gestapo. The American people, with labor leading the way, can stop it, once and for all.

Your peace and your life are at stake.

Mr. BRIDGES. Mr. President, the indisputable evidence is that the F. B. I. did not effect these arrests. The arrests were made by the United States marshal. I hold in my hand an article by the International News Service, published in the Washington Times-Herald on March 16, which not only makes this clear but throws further light upon the coddling treatment which the Department of Justice has given these so-called citizens. I ask that this article be inserted in the RECORD as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

HOOVER MADE "GOAT" IN QUIZ OF LOYALISTS—PROSECUTOR DENIES F. B. I. CHIEF ORDERED PROBE

DETROIT, March 16.—Back of the Spanish Loyalist investigation in Detroit, which has been made a part of the Communist-inspired campaign to smear J. Edgar Hoover, Chief of the F. B. I., is a story of switched orders and misrepresentation with Hoover's Department as the apparent "goat."

That story came today from United States District Attorney John C. Lehr and United States Marshal John L. Barc. It disproves the loose gossip that Hoover—

1. Instigated the investigation;
2. Chained the prisoners taken as a result of the recruiting probe; or
3. Made any special issue of the case.

RELEASE PROTESTED

Barc said sentiment was against dropping the cases, as they later were on orders from Attorney General Robert H. Jackson.

"The better element of Detroit—the patriots and patriotic societies—protested the release of these people," he asserted.

Lehr told International News Service that the recruiting of men for the Loyalist forces came to his attention in 1938. He informed Assistant United States Attorney General Brien MacMahon, in Washington, on May 12 of that year.

INQUIRY ORDERED

A few weeks later Assistant United States Attorney John Rogge asked Lehr who told him to start the investigation. He replied, "MacMahon," and was told by Rogge to drop the probe. Later Rogge reversed the order.

In December 1939 Rogge ordered Lehr to put his information before a Federal grand jury. On February 3 indictments were handed down.

Lehr asked bonds of $20,000 in six cases and $10,000 in four cases. He believed that if freed on a lower bond, the defendants would leave the jurisdiction of the court.

TWO-THOUSAND-FIVE-HUNDRED-DOLLAR BOND FOR GIRL

Bond in the case of the single girl arrested was set at $2,500, and the same bonds were set for two doctors.

According to Marshal Barc, after arraignment, the prisoners became his charges, and the F. B. I. had nothing further to do with them.

Following his usual custom, the prisoners were handcuffed to a chain and taken to a cell block, where the handcuffs were removed. The girl was not handcuffed at any time, according to Barc.

There are only four deputy marshals in the Detroit court, and it is common practice to handcuff prisoners to a chain when their number exceeds that of the marshal's staff.

Lehr and Barc were of the opinion that the cases should have been prosecuted and that if they had been prosecuted there would have been no subsequent uproar about the handling of the prisoners.

Mr. BRIDGES. David Lawrence discusses the matter in his syndicated article which appeared in the Evening Star of March 19. He calls the attack on Mr. Hoover a "tangled piece of intrigue." I ask that this article be inserted in the RECORD as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

"LEFT WING" ATTACK SEEN ON F. B. I.—OBSERVER DEFENDS BUREAU'S RECORD UNDER HOOVER

(By David Lawrence)

Every now and then a smoke screen is drawn across the face of a controversy hereabouts which makes it seem one thing on the surface when quite another set of influences is at work under cover of an attack.

Such a situation envelops the recurring bombardment that is being visited on the Federal Bureau of Investigation, commonly known as the F. B. I., and headed by J. Edgar Hoover. Lately, for instance, there has been a hue and cry about wire tapping, and Attorney General Jackson has just issued an order that there must not be any eavesdropping on the telephone lines.

But actually the amount of wire tapping practiced by G-men was relatively insignificant and was confined to kidnaping and certain types of criminal action wholly disconnected from any political or social questions.

Digging into the facts of such a tangled piece of intrigue, one finds several forces in America anxious to break down the highly efficient staff of the F. B. I. One is the underworld, which would be happy, indeed, to see J. Edgar Hoover out of the picture. Another is the group of agents of foreign governments who are engaged in espionage right now because of the large amount of war contracts placed here by the allies.

EFFECTIVE INQUIRY INTO COMMUNISM

The attack on J. Edgar Hoover, who has for many years been a career man in the Government service without any political affiliations, comes at a time when communistic activity is being investigated a little more effectively than ever before. Thus the arrest of certain persons in Detroit for securing enlistments for the Spanish Loyalists has been made the occasion of a general barrage from "left wing" quarters in America. The facts show that whatever was done in Detroit was at the instance of Frank Murphy when he was attorney general, and that alleged raiding at an early hour in the morning and other incidents complained of were done by the local United States attorney and United States marshal, who have accepted full responsibility.

But the effort to besmirch the F. B. I. has not been confined to alien forces. Some of it has arisen in the Senate itself where, though confessing that he had no facts, a denunciation of the F. B. I. was made by Senator Norris of Nebraska.

For several years there has been a feud between the various detective agencies of the Government. Sometimes it has been good-natured rivalry and sometimes it is interdepartmental jealousy and sometimes there has been bad feeling due to the prominence of one bureau as against another. But apart from this sort of skirmishing between the detective agencies, which most everybody who is familiar with Washington affairs has noted off and on during both Republican and Democratic administrations, there has been much discussion about the F. B. I. from the standpoint of its use for political purposes.

USE OF SECRET-SERVICE CHARGED

Back in the administration of President Theodore Roosevelt, the Secret Service was allegedly used by the President to watch members of Congress, and the law specifically was amended to limit the activities of the agents of the Treasury Department.

Many persons outside of Washington claim their wires have been tapped and that the administration tries to apply Ogpu or Gestapo methods. But there is not the slightest foundation for such reports. The most persuasive reason for saying so is that J. Edgar Hoover is the type of public official whose character and integrity would prevent misuse of the F. B. I. He has had the respect of every Attorney General under whom he has worked and he is known to have the confidence of President Roosevelt. But this seemingly does not prevent some of the "left wingers" hereabouts from seeking to undermine the F. B. I. and its able chief, and it is quite possible that Mr. Roosevelt does not know what is often being said and done in his behalf by the little group of "liberals" who seek to carry out their own purposes in government.

If the "left wing" should get control of the F. B. I. and use it for its own purposes, there would be justification for a decided change in the confidence which the public now has in the F. B. I. If politics or political chicanery is permitted to enter the one bureau which heretofore has been kept absolutely free from such cancers, the public would lose J. Edgar Hoover, for he is not the type of official to remain a moment in the service if either a Gestapo or an Ogpu is simulated by those who seek nowadays to control governmental bureaus for allegedly sociological reasons. The carefully directed attack on the F. B. I. warrants watching and if there is to be an investigation by Congress, it would be interesting to have the inquiry broad enough to include the recent activities of all the enemies the F. B. I. has made by its vigilant enforcement of Federal statutes or by investigations ordered specifically by the men who have served as Attorney General.

It may be, of course, that it is a mere coincidence that some of the influences with a grudge against the F. B. I. are engaging in a smear campaign against the Bureau and its Chief, but Congress might find it interesting to go into it anyway.

Mr. BRIDGES. I have in my hand an attack by the west coast radical whom Mme. Perkins refuses to deport, Harry Bridges. He delivered his attack at Harvard University, and it is duly reported in the Communist organ, the Daily Worker of February 29. I ask that this article be inserted in the RECORD as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

BRIDGES RAPS F. B. I. IN HARVARD TALK—TELLS STUDENT UNION BUREAU IS GUILTY OF "CORRUPT PRACTICES"—RIDICULES BELIEF THAT WE POSSESS A FREE PRESS

CAMBRIDGE, February 28.—Harry Bridges, west coast C. I. O. leader, attacked the F. B. I. for its "corrupt practices" in an address here

before 600 members of the Harvard Student Union. In his first public appearance since deportation proceedings against him were dropped by the Department of Labor, Bridges said that evidence of frequent violations of civil liberties had been presented to the F. B. I. by union leaders, but that no action had ever been taken on these charges.

Much of the evidence recently published concerning Willie Bioff, Hollywood A. F. of L. leader, had been given the Bureau by union men, Bridges declared, but no action was taken on them.

The F. B. I. was included in a group of "employers and Federal and State agencies" concerning which evidence of corrupt practices has been disclosed at his own hearing on the deportation charges.

"Belief that we have a free press is utterly ridiculous," Bridges said in a section of his address concerning the press. "The radio," he asserted, was "little better."

Mr. BRIDGES. Mr. President, I could name several persons who have wittingly or unwittingly permitted themselves to be made vehicles of this smear campaign. There is no need to do so, however.

We have the amazing paradox, Mr. President, of subversive influences which refer to the President as "a war-mad reactionary" receiving encouragement in the administration over which Mr. Roosevelt presides. I say this is true if there is any basis whatever for the rumors we hear.

If it is true that members of the left-wing school in the New Deal are trying to "get" Mr. Hoover, it makes no difference to me what their purpose is. They are playing the same game as the subversive influences. You ask why I should bring these rumors to the Senate floor. I reply that they are being freely aired in the press; and, furthermore, there is not one of my colleagues who does not know that some new dealers have been engaged in intrigue ever since they have been here.

But, leaving aside any intrigue on their part, it seems to be an indisputable fact that these subversive influences are either intimidating the Department of Justice or finding it willing to cooperate. One or the other is true.

Why were the Detroit cases dismissed?

Why have not countless other Communists been prosecuted for failing to register at the State Department as foreign agents?

Mr. President, I suppose Mr. Hoover has his failings just as the rest of us mortals have. But here is a man who has instilled in the minds of millions of youngsters the desire to be G-men instead of Dillingers, and has given peace of mind to thousands of parents whose children are potential victims of kidnapers.

I, for one, do not intend to remain silent and permit the destruction of this man and the organization which he heads. The attack upon him is bigger than one man or any group of men.

In the past 12 years the F. B. I. has investigated 52,000 cases from which convictions have resulted. In not a single one of these cases was there a reversal by the court of appeals on the grounds that civil liberties had been violated, on charges of brutality, inhuman treatment, or third-degree tactics.

Recently the Federal district attorneys of the whole Nation commended the F. B. I. for its preservation of constitutional rights and civil liberties. Since 1932 the F. B. I. has successfully solved 177 of 179 kidnaping cases.

The Nazis landed in Norway through disguise, by posing as friends, by playing bands and singing. They held outstretched flowers and concealed daggers. They abused the tolerance of a friendly people.

Mr. President, is it not apparent to us all that influences just as bestial and deceitful, just as dishonest, are abusing our hospitality and our tolerance? Are they not posing as humanitarians and preying upon trusting minds? And when we pursue them they seek the shelter of the very freedom and liberty of the institutions which they seek to destroy.

As to one group of this country's subversive elements, there is not the slightest doubt that in their steady attack on our institutions, on our very way of living, they have had the active support, indeed, the encouragement and the coddling, of those who choose to call themselves the New Deal. Certain of these subversive elements have been fitted right into the so-called liberal movement which has had our country in its grip, and there is no doubt in my mind that they have pretty well directed it.

I realize that my remarks will bring down upon my head the charge that I am witch hunting. But I venture to say, Mr. President, that the Norwegian people today wish they had more carefully scrutinized those who, as a result of Norway's democratic institutions, were allowed to filter in and establish themselves, and who, at a given signal, committed the overt acts which paralyzed the nation politically, while the aggressor from across the narrow sea appeared with his battleships and troop transports to storm yet another citadel of democracy.

Almost as often as once a week this administration through some act or word seeks to concentrate our attention on the happenings in Europe, but at no time, Mr. President, has it done anything to direct attention to what is happening right here at home. Instead, it has sought in every way at its command to discourage those who have attempted to expose these happenings.

Mr. President, the lesson which the world has learned as a result of the recent happenings in Norway should be taken to heart, especially by Americans, for here, just as the Nazis through secret infiltration into the lives of the Norwegians were subsequently able to seize the country with amazing rapidity, so have alien forces been steadily undermining our own body politic for the past few years. Let us watch the Trojan horse in this country.

Mr. President, a very amazing story has been written by Mr. Leland Stowe, of the Chicago Daily News, relative to the so-called Trojan-horse occurrence in Norway. It appeared in two articles in the Washington Evening Star, and I ask that the articles be reprinted as a part of my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of April 15, 1940]

NAVAL GUNS SPIKED, MINES DISCONNECTED, REPORTER DECLARES—VAST PLOT LET GERMANS WALK IN WITHOUT RESISTANCE, HE SAYS

(By Leland Stowe)

STOCKHOLM, April 15.—For the first time the story behind Germany's paralyzing 12-hour conquest of vital Norwegian ports on Tuesday, April 9, can be told. Between midnight and noon on the bewildering day, Norway's capital, all her principal seaports, and her most strategic coastal defense fell into German hands like an overripe plum.

Norwegian people were stunned as the Belgian people must have been stunned in 1914 and most of them still have not the slightest conception of how this incomprehensible tragedy could have happened.

I spent these hours in Oslo, together with the only other American newspapermen who were on the spot—Warren Irvin, of the National Broadcasting Co., and Edmund Stevens, of the Christian Science Monitor—and we ourselves could scarcely believe the evidence of our own eyes.

But I had to remain in Oslo through 4 days of German occupation to learn how this miracle of lightning naval and military occupation was made possible. Then I could scarcely believe my ears. After that, with the last train connections to Sweden severed, Irvin and myself decided to try somehow to get across the border. It was the only possible way to give a detailed account of the most astonishing thing that has happened since the second World War began.

PORTS SEIZED BY GIGANTIC CONSPIRACY

Norway's capital and great seaports were not captured by armed force. They were seized with unparalleled speed by means of a gigantic conspiracy which must undoubtedly rank among the most audacious, most perfectly oiled political plots of the past century.

By bribery and extraordinary infiltration on the part of Nazi agents and by treason on the part of a few highly placed Norwegian civilian and defense officials, the German dictatorship built a Trojan horse inside of Norway. Then, when the hour struck the German plotters spiked the guns of most of the Norwegian Navy and reduced its formidable fortresses to impotence.

Absolute control of only a handful of keymen in administrative positions and the navy was necessary to turn the trick and everything had been faultlessly prepared. The conspiracy was about 90 percent according to schedule. Only in two or three places was it marred by unexpected hitches, but Norway's sea gates were already wide open.

For the success of the German plan the capture of three key cities was essential, these being Oslo, Bergen, and Narvik. It is known that Narvik was betrayed to the Germans by its commanding officer. How Bergen's harbor defenses were taken remains a mystery, as far as I can learn. But most important of all to the Nazi plot was the immediate domination of Oslo Fjord with its mighty fortresses and the forcing of its virtually impregnable narrows at Drobak, together with the seizure of the great Norwegian naval base at Horten.

Only in this manner could the Germans penetrate to Oslo and deliver an almost irreparable blow to Norway's parliamentary government. To seize all of Oslo Fjord and force its narrows would have appeared impossible to any foreign government except the Nazi dictatorship, but, by methods even more astonishingly efficient than those which it used against Austria and Czechoslovakia, the inconceivable was accomplished. Until now, I believe, the outside world has had to guess how it was done.

GERMANS SAILED NIGHT OF APRIL 4

To understand the conspiracy's scope one must go back somewhere near the climax of the plot. In Oslo I learned, on the most reliable authority, that Germany's sea forces and troopships sailed from German ports for their Norwegian adventure during the night of Thursday, April 4—3 full days before the British mined the upper Norwegian coast between Bergen and Narvik. I also was informed with impressive assurance that the German Army chiefs strongly opposed Fuehrer Adolf Hitler on the plan to invade Norway, because they insisted that communication lines for an army of occupation in Norway would be most dangerously limited and exposed. Nazi radical leaders supported Der Fuehrer and the decision was taken against the Regular Army chiefs' counsels.

On Friday night, April 5, while the German Fleet and transports already were streaming toward Norway, an event of enormous historical importance occurred in Oslo, and until now has probably never been reported. The German legation held a soiree to which it invited 200 persons representing Norway's influential personalities. All the members of the Government were invited, as well as many officers of the defense forces, leading bankers, shipping executives, and industrialists. The invitation emphasized the importance of the soiree by reading, "White ties, uniforms, and decorations."

Despite the great formality imposed, it was no official dinner. Norway's elite had been invited to see an unusually interesting film. It proved to be the motion picture Baptism of Fire, depicting in the most graphic details Germany's aerial destruction in Poland. For more than an hour the distinguished Norwegian audience sat in icy silence, gripped by the horror of many of the scenes. Afterward the German Minister explained that the film was not a war, but a peace, film, since it showed what nations which elected peace would save their people from suffering. The Norwegians left the German Legation that night filled with gloomy, ominous thoughts.

QUISLING RETURNED TO OSLO ON APRIL 6

In Oslo I learned that Maj. Vidkun Quisling, leader of the pro-Nazi Norwegian party, called the Camling, and now Premier of the so-called national government set up after the German occupation, was in Berlin at the time the film was shown in Oslo and while the expedition was being organized. He returned to Oslo on Saturday, April 6. On Sunday night the British sowed mine fields below Narvik. On Monday Berlin's press flamed against this provocation. In the first hours of Tuesday, April 9, Norway's naval defenses were betrayed to the German fleet and the first German troops landed at Fornebo, Oslo's airport, a few hours after daybreak.

This brings us to the methods by which Oslo Fjord and Oslo itself were captured from the sea early in the morning hours of April 9. The Germans could not enter without controlling the vital Norse naval base at Horten. At 1:30 o'clock that morning—3½ hours before Berlin's ultimatum was handed to Foreign Minister Dr. Halvdan Koht—the commander of three Norwegian warships at Horten received an urgent message. It was supposedly signed by Dr. Koht himself and accepted as coming direct from the Government via the Ministry of Foreign Affairs. It ordered Norwegian ships not to fight against the German warships which were about to come up the fjord and to put all their men ashore immediately, without their arms.

Without questioning the origin of the order, the commander ordered all his men ashore except stokers and messmen.

From here on a slight hitch which was costly for the Germans occurred. The Norse minelayer *Olaf Trygvason* had unexpectedly put in for repairs the previous evening. Its presence apparently was unknown to the leaders of the conspiracy in Oslo. This was the only Norwegian war vessel which did not receive the order and so remained in condition to fight. Afterward the Norwegian sailor who verified these developments declared, "It was only through treason that the Germans got in."

Meanwhile, an even greater coup had been scored by the plotters. The narrows of Oslo Fjord were mined and controlled from Drobak. About 1:30 o'clock in the morning of April 9 these mines were all rendered harmless by being electrically disconnected from the Drobak central. The mystery of who ordered this to be done remained unsolved when I left Oslo, but this move enabled the German cruiser to penetrate the narrows before dawn.

At 4:30, still half an hour before the German Minister handed the ultimatum to Dr. Koht, a German cruiser, believed to have been the *Emden*, accompanied by two submarines, reached Horten. The three Norse war vessels were completely helpless, but the little mine layer, *Olaf Trygvason*, blocked the entrance to the narrows. It immediately discharged torpedoes and sank the cruiser and the submarine. It was reported, though I was unable to confirm this, that the cruiser *Bluecher* also was sunk by the narrows fort, called Oskarsborg.

GERMANS LANDED AND SEIZED HORTEN

In any case, all other crews were ashore without arms at Horten, and by daybreak the Germans landed marines and seized Horten. The way through the narrows was open and Oslo defenseless from the sea.

I talked to another Norwegian who was a member of the Horten naval base that night. He confirmed all the main details of the above events, including the fact that two German cruisers were sunk.

"Later the Germans got about 100 men ashore," he related. "There was some fighting. We had 4 men killed; the Germans, 2. But there was nothing we could do. The officers on our ships ran up white flags. We didn't know why, and I still don't know why. We thought they had orders from the government."

In this fashion Norway's capital was betrayed from within and the German occupation of Oslo assured before its Government knew what had happened or Parliament had courageously refused to capitulate.

Before the Germans' capture of Horten the Oslo Government had already ordered mobilization as a precaution. Accordingly, before daybreak on April 9 scores of young Norwegians reported at the Horten railroad station. They were immediately surrounded by the German marines landing party and placed aboard other German ships which came up.

When German warships approached the formidable Oskarsborg fortress, at the narrows above Horten, so it was stated there afterward, they radioed the fort's commander not to shoot. According to report, the Nazi said: "We've got your own men aboard." The fortress guns remained silent and the German warships passed into Oslo's inner harbor. The occupation of Oslo was then inevitable.

Meanwhile, we had spent an eerie night in Oslo's Grand Hotel with a succession of air alarms, the first of which sounded at 12:35 o'clock in the morning, about the time mobilization was ordered. At first I could not believe my ears, as the sirens were so different from those in Helsinki. They sounded like motorcars honking in a traffic jam. Later Stevens and I decided that the Norwegians were only air-alarming as a precaution. So I refused to get up until 7 o'clock, when a Finnish diplomat informed me of the ultimatum and the Government's decision to leave.

PLANES DOVE OVER THE CITY

At 7:45 o'clock, while we still had not the slightest idea what had happened in Oslo Fjord and at Horten, five Nazi bombers suddenly came roaring over the rooftops, so low they almost touched them. We watched them come, expecting bombs momentarily. For 2½ hours German planes dove over the city, always only three or five in number. They were intended to terrorize the populace into surrender and the authorities into inaction while the first troops landed by air at Fornebo outside the city.

Thousands of Osloans gazed curiously and fearfully, but no panic occurred. None of us dreamed that German warships were in the inner harbor and that Oslo was already doomed. We still thought that British ships and planes might come at any moment. It seemed utterly incredible that the narrows of Oslo Fjord could have been forced by the Germans, and its powerful forts silenced.

The same madness of incomprehensible events continued all day long. First was mystification over the complete lack of defense of the city by its naval forces and coastal forts. Then it was the immunity of the low-flying Nazi planes to thousands of machine-gun bullets which pattered almost incessantly until after 10 o'clock. Then it was the further fact that only one anti-aircraft battery seemed to be firing against the German planes, and this became silent after firing only a few shells, all of which were inexplicably wide of the mark.

Finally, at 10: 30 o'clock, came an equally fantastic lull in which German planes only circled occasionally and absolutely nothing seemed to happen. Tens of thousands of persons, clustered in the streets and on the sidewalks, looked and waited, utterly baffled. We all asked where were the British, but also where were the Germans.

BATTLE TO HAVE DISPATCH ACCEPTED

Meanwhile, I had a great battle to get the telegraph office to accept a dispatch without a special Government press card.

At 9 o'clock in the morning Stevens and myself could find no responsible chief at his post in the telegraph building, only groups of perplexed employees standing in the corridors—those few who had reported for work. It was only through the personal intervention of Raymond Cox, first secretary, who remained in charge of the American Legation, that our first dispatches were finally accepted—and the only ones which were allowed to pass for more than 24 hours.

But Norway's capital in every quarter was the scene of dazed disorganization, completely without leadership. Apparently even the men who had been called to the colors did not know where to go or simply forgot about it. The streets were filled with men of fighting age, all standing watching the German planes, waiting and speculating, but doing nothing and going nowhere.

It was like this until 2:30 o'clock in the afternoon. Then, as I rushed up to the hotel desk, a porter asked me, "Aren't you going out to see the Germans come in?"

"What do you mean, the Germans?"

"Yes; they are marching up Carl Johan Boulevard any minute now."

I called Irvin and Stevens and we rushed outside into the strangest conceivable scene. Oslo's beautiful main boulevard was jammed with people, all flocking to see the Germans come in. Strangest of all, Norwegian policemen were calmly forming lines along the sidewalks and clearing the streets for the Germans' triumphal entry. One of the policemen told me that the Germans would be there within 10 minutes.

NONE OF DISPATCH WAS SENT

All this and what followed I told in a dispatch which was filed that afternoon—but the Germans had just taken over the telegraph building and I learned 2 days later that not a line of my dispatch was ever sent. Meanwhile, we supposed that the world knew most of the story.

We waited half an hour on the hotel balcony with an excellent view all the way up the boulevard to its beginning, at the foot of the hill on which the royal palace stands. Shortly before 3 o'clock two trucks filled with a dozen German soldiers rolled up the street. The soldiers lolled in them, with their guns dangling, as if they had been assured that they had not the slightest resistance to fear. From the rear of the second truck two machine guns poked their noses meaningfully straight down the boulevard. Their operators lay prone with intent, hard faces, ready to fire. This was the only show of force, and all that was needed.

At 3 o'clock there was a murmur through the crowd. We could see two mounted men swinging into the boulevard in front of the palace, then six more, then the head of a marching column in field gray. The mounted men were Norwegian policemen actually escorting the German troops which were occupying the capital. We looked uncomprehendingly. Later I was told that Norwegian policemen never carry any kind of arms. This was also why they failed to fulfill the Government's order to arrest Major Quisling.

The German column marched steadily nearer through a lane of 20,000 or 30,000 Osloans, fully half of which were men of military age. A tall, broad-shouldered officer, Gen. Nikolaus von Falkenhorst, and 2 other officers marched directly behind the mounted police. Then came the German regulars in columns of threes, as if to make the line look as long as possible. One out of nine carried light machine guns; all toted compact aluminum kits and bulky shoulder packs.

They were hard-muscled, stony-faced men. They marched with guns on their shoulders, with beautiful precision. Mostly, they stared straight ahead, but some could not restrain triumphant smiles toward the onlookers. Several times General von Falkenhorst and the other two officers returned Nazi salutes from persons in the crowd who must have been German advance agents who had been busy in Oslo for weeks before the crowning moment. From our hotel balcony two Nazis gave the salute. I noticed in particular the beaming face of a chic, slim, blond German woman whose husband had been very active in our hotel since we arrived on the previous Thursday.

COLUMN COMPOSED OF TWO BATTALIONS

It was a thin, unbelievably short column. It required only 6 or 7 minutes to march past. It was composed of only 2 incomplete battalions—surely less than 1,500 men in all. Norway's capital of nearly 300,000 inhabitants was being occupied by a German force of approximately 1,500 men.

The last of the German troops went by without a single jeer or hiss, without a single tear noticeable on any Norwegian face. Like children, the people stared. Thousands of young men stood watching this occupation parade. Not one hand or voice was raised. We could discern no sign of resentment upon any face about us. This was the most incomprehensible thing among all the incomprehensible things of the fantastic 24 hours.

Somehow it seemed as if curiosity was the strongest sentiment in the throng of Osloans who watched the Germans come in. No other emotion was betrayed in the countless faces we scanned anxiously. The only indignant people we met or saw that day were foreigners. The Norwegians of Oslo seemed stunned beyond recovery. Everyone acted curiously like children suddenly given a chance to see a parade of strange creatures out of prehistoric times—something which had no connection with real life.

But within 2 hours real life was making itself felt in Oslo. The Germans had occupied the capital without dropping a bomb, without firing a shot within the city limits. They simply had paraded in and taken it over much as Frenchmen or Italians might parade into a colonial interior village somewhere in Africa. Now they went to work. It was the urgent task of the tiny force of 1,500 men to seize key places in the nation's capital. They did it swiftly, without any fear of interruption.

When I hurried into the telegraph building I had hopes. There were still no German troops guarding the door. But immediately I knew it was too late. The tip-off came when a woman employee, who had always addressed me in perfect English, spoke to me in German and tried to refuse my message on the grounds that I had no special telegraph card. But her chief had already accepted my dispatch at 1 o'clock. Finally, she accepted it reluctantly, together with $64 worth of Norwegian crowns which had to be paid in advance. Then she told me in German that I must see Fraulein Hauge tomorrow morning or no more messages would be accepted. Of course, my own and all other dispatches for the next 24 hours were never sent. The Germans had closed all the wires as well as telephone lines to the outside world.

GERMAN SOLDIERS IN PARLIAMENT

The next day, Wednesday, was as unbelievable as the events of April 9 had been. German troops now stood guard in the Parliament, the university, the city hall, and other public buildings. My first shock came early in the morning as I passed the Storting (Parliament). Two-score German soldiers filled the open windows on the third floor of the building, all singing lustily, while one pumped joyfully at his accordion. Osloans stood watching and listening on the sidewalks below. I looked closely but so far as I could see they were simply curious and somewhat entertained.

As on the previous night after the occupation, the city's cafes were filled in almost normal fashion, and a large number of young men were lolling in them as if there were no such thing as a regular Norwegian army, ready to offer resistance to an invader, only 50 miles north of the capital. Wherever we went we saw groups of young people clustered around German soldiers on guard. Some of them chatted pleasantly with the soldiers, some stared at their rifles and machine guns, and asked questions about them. Many young girls gazed admiringly at the men in field-gray uniforms.

Outside the telegraph building I encountered an open car with half a dozen hardened German regulars who had a machine gun mounted for action. The crowd laughed and joked with the soldiers; one man, apparently half-intoxicated, shouted "Deutschland uber Alles" several times. The soldiers laughed. The chief of the machine-gun crew looked down upon his admirers with an indescribable smile. He stood up proudly like a member of a conquering Roman legion who realized that he had the right to do so.

Such scenes, far from infrequent, had not ended when I left Oslo on Friday. By that time, however, many young Norwegians had disappeared from the capital with packs on their backs. A great many more went after the Germans landed 20,000 troops on Oslo's quays on Thursday afternoon. This sight at last awakened many men from the daze which they had been in. Many others, however, still remained in the capital on Friday—seemingly a large part of the men.

RECEIVED COURTEOUSLY AT NAZI LEGATION

On Wednesday evening, we discovered that the Quisling government had been formed in room 430 of the Continental Hotel. I went there about a matter which was said to require the new Premier's personal decision. Three Germans in civilian clothes, and one Norwegian, were in room 430. After waiting, I saw Major Quisling very briefly, but he turned for advice to a sharp-faced German who introduced himself as Reichsamtleiter Schoedt. The Reichsamtleiter decided the matter while another German assisted in giving further directions. From there, we were referred to the German Legation, where we were received courteously. It appeared that the German military censorship was not yet completely organized and nothing could be arranged about the transmission of dispatches until the next day.

Nevertheless, we made another call at the telegraph building. The public hall was deserted when we entered, after passing German guards. Inside two German privates were standing. While we wrote our cablegrams they began an exercise in mass psychology. They marched 15 or 20 steps, slowly and calculatedly pounding the heels of their boots down on the cement floor at every step. Each step echoed loudly and menacingly against the ceiling. After a few seconds' pause, the two soldiers pounded their heels again.

They continued this exercise as long as we were in the hall. The echo of their hobnailed heels was amazingly eloquent.

This is how Norway's capital was captured without a bomb being dropped and without a shot being fired within several miles of the city.

I believe this to be the first story of any completeness to reach the outside world. I also believe it to be the most important newspaper dispatch I have ever had the occasion to write. It is my conviction, for the sake of history and also for the sake of the ultimate restoration of security and freedom in all three Scandinavian countries, that it is crying to be told now. I am closing it with the earnest hope that it will reach America and the outside world quickly.

[From the Washington Evening Star of April 17, 1940]

THREE THOUSAND GERMANS HELD OSLO 2 DAYS BY BLUFF AND MUSIC—ROLLICKING TUNES LULLED NATIVES INTO FORGETTING RESISTANCE UNTIL TOO LATE

(By Leland Stowe)

STOCKHOLM, April 17.—The Nazi regime conquered Oslo by ruse and treason, but less than 3,000 German troops held Norway's capital for the first 48 hours by a gigantic bluff. Most of all, they kept the more than 250,000 Osloans, who remained in the capital, mesmerized by music discreetly intermixed with cocky parades in different sections of the city by 20, 50, or perhaps 100 soldiers at a time.

But music and song were the chief weapons used to lull the public into an illusion of normalcy. Thus, we witnessed the extraordinary spectacle of a nation's capital being held securely by impromptu soldiers' choruses, by one 12-piece military band and by 2 accordions.

The Germans, at least the Nazi leaders, have learned a lot more about psychology than they are given credit for. This is why the tiny force of German occupation was able to dominate Oslo from the moment it set foot on the land, simply through bluff and rollicking tunes. The Nazi band began its concerts in the park along Carl Johan Boulevard, in the center of the city, the morning after the occupation. Soon several hundred Norwegians clustered around, listening to a jovial rendition of Roll Out the Barrel. They kept coming and pausing for 10 minutes or more in groups, and nobody seemed to think of rolling out the Germans.

SOLDIERS SING ON MARCH

On Wednesday morning, too, one company of spick-and-span men, their rifles shining, marched down Carl Johan Boulevard, pounding their heels slowly and singing as they went.

Meanwhile skeleton bodies of troops, occupying Parliament and City Hall, also developed an urge to sing popular songs and old German favorites from the windows. But the cleverest bit of musical mass psychology was pulled last Thursday afternoon just after the first of 20,000 German troops debarked in Oslo Harbor, thereby assuring the Nazi grip on the capital.

After watching the first transports tie up at the quays, I rushed to the telegraph office. When I returned, half an hour later, the harbor's semicircle of quays was a curious sight. I heard what

sounded like a students' chorus at a football match long before it could press its way through the throngs of Osloans near the embankment. Lounging on the embankment were perhaps three platoons of German infantry. Their kits, blankets, rifles, and bayonets all were piled in neat rows on the sidewalk below them.

CONSCIENCES SUFFER

The soldiers sat with their arms locked, and swinging from side to side, shouted out the words of the German song, Going to Town, with splendid harmony on the refrain. Before them stood a hardy Teuton getting the maximum syncopation from his accordion. The singers all acted like a group of carefree young men whose only desire in life is to have fun and serenade people. Behind their booming choruses was the implication that there was nothing serious about these thousands of iron-muscled troops who were marching down the gangplanks at the quay's edge.

Almost unbelieving, several thousand Osloans paused and listened in the course of the next 2 hours. But their expressions had changed from the incomprehensible curiosity and the seeming indifference of the last 2 days. Now, for the first time, there were many faces with harassed lines and troubled eyes.

All the songs chosen had lots of gayety. They attracted people but did not hold so many. Something, some sharp realization, had at last sunk into the consciences of the Norwegians at Oslo. After 48 hours it was beginning to sink in.

I walked on a few paces, for another body of singing soldiers was so close that the songs clashed midway between the two groups. These field-gray men, standing as they sang, had one tenor whose voice was a winner. One of their best songs, and the one that each group sang repeatedly, was something about a Rhineland town which "has the finest Maedels (girls) in the world. We want to love them. We want to love them."

With those kinds of songs people are not supposed to remember that their capital is being conquered for inestimable months or years. Yet a great many Osloans did not linger as long now around the German troops as they had been lingering the last 2 days. They were seeing an enormous amount of machine guns, too, and several more troopships, lined with soldiers, out in the harbor waiting to tie up. From the largest of these more singing echoed shoreward.

Meanwhile, up in the park directly in front of Parliament, the people of Oslo, from 11 o'clock in the morning onward, had been treated to the most amazing band concert the Norwegian capital probably ever heard. A little 12-piece band played almost unceasingly all afternoon just as if nothing important were happening anywhere, least of all down in the harbor. The German band played countless American dance tunes, interspersed with German waltzes and occasional Nazi marches. They kept up their entertainment, never lacking an audience of 200 or 300. The soldiers only ended their zestful music at nightfall, when fully 5,000 more troops had already safely augmented the Germans' exposed shoestring garrison of occupation.

The next morning, Friday the 12th, the music period of the occupation had completely ended. There was no further need for bluff. Also, much more serious business was at hand. That morning, for the first time, I saw no German soldiers standing guard at the Parliament and university buildings. Until now they had stood like statues or had tramped ostentatiously back and forth. Now all had gone. I was puzzled to see that the German guards had been replaced by Norwegian police at the Parliament doors.

We still could not understand why Oslo's big, strapping policemen remained in the capital. Nor why the city had been occupied without the electric current being cut off or the slightest cessation of trolley-car service, or any strike in other services as a show of passive resistance.

During the first 3 days I saw a single individual who seemed ashamed. Perhaps he was the only one, because those young men who believed that Norwegians must also fight for their own freedom had left or were leaving town. When we left Oslo, their absence or departure for the first time had become slightly noticeable.

Before leaving, we learned from a Red Cross nurse that one Norwegian had been shot by the occupation forces for refusing to drive a commandeered car. This was the only case we had heard of up to that time.

With the arrival of 20 or more transports, however, resistance inside Oslo became impossible. Roll Out the Barrel had become the unparalleled, incredible dirge of Norwegian independence so far as Osloans were concerned.

Mr. BRIDGES. Mr. President, I have attempted to give merely a brief outline of some of the things which are happening in this nation today, some of the things which should demand the attention of every thoughtful American. I question what sort of Americans we show ourselves to be, with all the trouble in the world today, with the situation in this country as it is, with large groups attempting to undermine our Constitution and our country, when we sit here passively and show very little concern about these influences which are at work. We do not want another Trojan-horse episode in this country. When we see what has happened to little Norway and see how that country has been laid prostrate as a result of the infiltration of elements from other lands, it seems to be time that our Nation should take account of stock and take some definite action to put its house in order.

TRANSPORTATION ACT OF 1940—CONFERENCE REPORT

Mr. WHEELER submitted a report, which was ordered to lie on the table.

(For conference report see page 5836 of the House proceedings.)

DEPARTMENT OF LABOR—FEDERAL SECURITY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 9007) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes.

The PRESIDENT pro tempore. The clerk will state the next amendment of the Committee on Appropriations.

The next amendment was, on page 19, line 15, after the words *"Provided further"*, to strike out "That expenditures under the several classes of objects of expenditure for which this appropriation is available shall not exceed by more than 10 percent the amounts estimated for such objects of expenditure by classes, in the schedule for the fiscal year 1941 appearing in the Budget for such fiscal year under this head, and any such excess must be approved in writing by the Federal Security Administrator in such amounts as he shall designate" and in lieu thereof to insert "That expenditures under the several classes of objects of expenditure for which this appropriation is available shall not exceed by more than 10 percent the amounts estimated for such objects of expenditure by classes, in the schedule for the fiscal year 1941 appearing in the Budget for such fiscal year under this head, such amounts to be amended to reflect any proportionate change which each should bear in connection with the total amount appropriated herein, and any such excess up to 10 percent must be approved in writing by the Federal Security Administrator in such amounts as he shall designate."

So as to make the further provisos read:

Provided further, That expenditures under the several classes of objects of expenditure for which this appropriation is available shall not exceed by more than 10 percent the amounts estimated for such objects of expenditure by classes, in the schedule for the fiscal year 1941 appearing in the Budget for such fiscal year under this head, such amounts to be amended to reflect any proportionate change which each should bear in connection with the total amount appropriated herein, and any such excess up to 10 percent must be approved in writing by the Federal Security Administrator in such amounts as he shall designate: *Provided further*, That the foregoing proviso shall not apply, to whatever extent the President shall direct, in the event of an emergency declared, by the President, to exist.

Mr. LODGE. Mr. President, I wish to make a brief statement concerning this amendment, which I think is a step in the right direction. It is my understanding that until this year a lump sum was appropriated for the Civilian Conservation Corps, and those who operate the Civilian Conservation Corps could spend the money in any way they desired within the total lump sum.

I think most Senators will agree with me that that is not good procedure, and that the procedure we have applied to the regular agencies of government is one which should be applied to the C. C. C. In our regular appropriations we have an item for pay, an item for subsistence, an item for clothing, an item for transportation, and so on. This amendment requires the C. C. C. not to exceed the proportions for the various items which are set forth in the Budget. In my judgment, it would be better to itemize in the law all the various accounts for which money is appropriated.

I am happy to say that the chairman of the Committee on Appropriations, the senior Senator from Virginia [Mr. GLASS], has requested that next year when the appropriations for the C. C. C. are under consideration they be submitted in such form that we can itemize the various amounts, as we can do for the Army, the Navy, and the other regular departments of the Government.

I merely wanted the RECORD to show that this is the prospect and express the hope that nothing will prevent its accomplishment next year.

Mr. McKELLAR. Mr. President, we did the best we could. We arranged the appropriations according to the Budget, which was the only guide we had as to the figures. Next

year we will certainly have every item segregated, and the appropriation will be made along that line.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 19, line 15.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Education—Vocational education", on page 24, line 20, after the word *"Provided"*, to strike out "That the apportionment to the States shall be computed on the basis of not to exceed $3,000,000, as authorized by the acts approved June 2, 1920, June 5, 1924, June 9, 1930, June 30, 1932, August 14, 1935, and August 10 1939," and insert "That the apportionment to the States shall be computed in accordance with the acts approved June 2, 1920, June 5, 1924, June 9, 1930, June 30, 1932, August 14, 1935, and August 10, 1939, on the basis of not to exceed $3,000,000 for the fiscal year 1941", so as to read:

Provided, That the apportionment to the States shall be computed in accordance with the acts approved June 2, 1920, June 5, 1924, June 9, 1930, June 30, 1932, August 14, 1935, and August 10, 1939, on the basis of not to exceed $3,000,000 for the fiscal year 1941.

Mr. DANAHER. Mr. President, will not the Senator from Tennessee explain the purpose of this change?

Mr. McKELLAR. It is largely a change in language only. If the Senator will read the two items he will find it is a transposition of terms in order to make the language clearer, that is all.

Mr. DANAHER. Is it not a plan of reappointment which will be applicable solely for the fiscal year 1941, as worded?

Mr. McKELLAR. That is true.

Mr. DANAHER. Will the Senator tell us, then, why we should change it just for the year 1941, if we are not to effect a change in policy?

Mr. McKELLAR. The whole bill applies only to the year 1941. We are appropriating only for 1941, and it is made to accord with the remainder of the bill. There is nothing ulterior about the change, I will say to the Senator. The language was suggested by the Department as being the better way to handle the matter, and it was agreed to by the committee.

Mr. DANAHER. It is apparent that the act of June 2, 1920, and other acts enumerated, set up a policy of apportionment, and the apportionment now in existence under the acts referred to has been followed for many years. Now, apparently, we are to adopt a new policy for the year 1941, and I desire to know what the purpose is.

Mr. McKELLAR. It is not a new policy for 1941 at all. It merely makes it applicable to the year 1941. No different policy is set up. It is exactly the same as it has been all the time.

Mr. DANAHER. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 24, line 20.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, under the subhead "Public Health Service", on page 35, line 5, before the word "of", to strike out "$1,600,000" and insert "$1,650,000", so as to read:

Disease and sanitation investigations: For carrying out the provisions of section 603 of the Social Security Act, approved August 14, 1935, and section 1 of the act of August 14, 1912, including rent and personnel and other services in the District of Columbia and elsewhere and items otherwise properly chargeable to the appropriations for printing and binding, stationery, and miscellaneous and contingent expenses of the Federal Security Agency and Public Health Service, the provisions of section 6, act of August 23, 1912 (31 U. S. C. 669), to the contrary notwithstanding, the packing, crating, drayage, and transportation of the personal effects of commissioned officers, and other personnel of the Public Health Service upon permanent change of station, and including the purchase (not to exceed $2,500), exchange, maintenance, repair, and operation of passenger-carrying automobiles for official use in field work, $1,650,000, of which not to exceed $215,790 may be transferred, with the approval of the Director of the Bureau of the Budget, to the appropriation "Pay, etc., commissioned officers, Public Health Service."

The amendment was agreed to.

The next amendment was, under the subhead "Social Security Board", on page 37, line 21, after the word "members", to strike out "not to the compensation of persons or organizations temporarily employed for the special services described in the second proviso of this paragraph", so as to read:

Salaries and expenses: For all authorized and necessary administrative expenses of the Social Security Board in performing the duties imposed upon it by law, including three Board members, an executive director at a salary of $9,500 a year, and other personal services in the District of Columbia and elsewhere; travel expenses, including not to exceed $10,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the chairman and not to exceed $5,000 for travel in foreign countries; not to exceed $10,000 for payment of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity to the Social Security Board; expenses of packing, crating, drayage, and transportation of household goods and other personal effects (not to exceed in any case 5,000 pounds) of officers and employees when transferred from one official station to another for permanent duty (including employees transferred from duty at Baltimore, Md., to duty at Washington, D. C.) when specifically authorized by the Board; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices; services; advertising, postage, telephone, telegraph; newspapers and press clippings (not to exceed $1,500), periodicals, manuscripts and special reports, purchase and exchange of law-books and other books of reference; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; alterations and repairs; rentals, including garages, in the District of Columbia or elsewhere; expenses incident to moving offices of the Board from one building to another in Washington and from Baltimore to Washington; purchase and exchange, not to exceed $5,000, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; and miscellaneous items, including those for public instruction and information deemed necessary by the Board, $27,219,500: *Provided,* That the Board may expend, of the sum herein appropriated, not to exceed $100,000 for the procurement of information relating to the death of individuals entitled to benefits, receiving benefits, or upon whose death some other individual may become entitled to benefits, under title II of the Social Security Act, as amended, from proper State and local officials, including officials of the District of Columbia, Alaska, and Hawaii and for personal services in connection with the procurement of such information, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5), and the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided further,* That no salary shall be paid for personal services from the money herein appropriated under the heading "Social Security Board" in excess of the rates allowed by the Classification Act of 1923, as amended for similar services: *Provided further,* That this latter proviso shall not apply to the salaries of the Board members.

The amendment was agreed to.

The next amendment was, on page 38, line 18, after the numerals "1935", to insert "as amended", so as to read:

Grants to States for old-age assistance: For grants to States for assistance to aged needy individuals, as authorized in title I of the Social Security Act, approved August 14, 1935, as amended, $245,000,000, of which sum such amount as may be necessary shall be available for grants under such title I for any period in the fiscal year 1940 subsequent to March 31, 1940.

The amendment was agreed to.

The next amendment was, on page 39, line 8, after the numerals "1935", to insert "as amended", so as to read:

Grants to States for unemployment-compensation administration: For grants to States for unemployment-compensation administration, as authorized in title III of the Social Security Act, approved August 14, 1935, as amended, including rentals in the District of Columbia and elsewhere, $61,000,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Youth Administration", on page 41, line 19, after the word "student", to strike out "aid" and insert "work program", and in line 24, after the word "persons", to strike out "$97,085,000" and insert "$95,984,000", so as to read:

PAR. 1. Part-time youth work and student work program: To enable the National Youth Administration, which is hereby extended to and including June 30, 1941, under the supervision and direction of the Federal Security Agency, to engage in the following types of programs for assistance to needy young persons, $95,984,000, namely.

(a) To provide part-time employment for needy young persons in schools, colleges, and universities to enable such persons to continue their education.

(b) To provide employment and training for unemployed young persons on public projects of the following types:

(I) The construction, improvement, and repair of non-Federal public buildings and grounds, parks, and other recreational facilities; bridges, highways, roads, streets, and alleys; airports and airway facilities; water and sanitation facilities; facilities for conservation; irrigation and flood control; pest eradication; and work on all other non-Federal public facilities, including cooperative associations receiving financial assistance from the Rural Electrification Administration or other public agencies;

(II) The construction, improvement, and repair of buildings or other facilities of Federal agencies;

(III) The production, repair, and renovation of goods, articles, and foodstuffs for needy individuals and for public institutions providing that products so produced do not replace normal purchases of such individuals or institutions;

(IV) Professional, clerical, and other nonconstruction services in the fields of education, recreation, research, professional, cultural, and clerical activities for the benefit of public and nonprofit organizations;

(V) The prosecution of work of the types enumerated above which involve the maintenance of young persons in camps, institutions, and other resident facilities.

Mr. GEORGE. Mr. President, I ask the Senator from Tennessee whether this is an actual reduction in the appropriation for the N. Y. A.

Mr. McKELLAR. Oh, no; it is a mere change made at the request of the department. If the Senator will look on page 43 he will find, in lines 20 and 21, that the amount of $5,290,000 is increased to $6,376,000, and in that way the amount of $97,085,000 had to be reduced to $95,984,000.

Mr. GEORGE. So the amount actually appropriated is the same as appropriated by the House?

Mr. McKELLAR. The amount appropriated is the same as that appropriated by the House.

Mr. GEORGE. There has been no reduction?

Mr. McKELLAR. There has been no reduction.

Mr. GEORGE. I am glad to hear that.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next committee amendment.

The next amendment was, on page 43, line 16, after "paragraph 1,", to strike out "$5,290,000" and insert "$6,376,000"; in line 21, after the words "sum of", to strike out "$5,290,000" and insert "$6,376,000"; and in line 22, after the word "amounts", to insert "not to exceed in the aggregate the sum of $783,000", so as to read:

PAR. 2. Salaries and other administrative expenses: For personal services and necessary miscellaneous expenses in the District of Columbia and elsewhere for carrying out the administration of the programs set forth in paragraph 1, including supplies and equipment; purchase and exchange of books of reference, directories, and periodicals, newspapers, and press clippings; travel expenses, including expenses of attendance at meetings of officials and employees on official business; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles, and such other expenses as may be necessary for the accomplishment of the objectives set forth in paragraph 1, $6,376,000: *Provided*, That the National Youth Administration may transfer from the above sum to the appropriation in paragraph 1 such amounts as will not be required for the purposes of this paragraph: *Provided further*, That there may be transferred from the above sum $6,376,000 to appropriations of the Treasury Department such amounts, not to exceed in the aggregate the sum of $783,000, as the Director of the Bureau of the Budget may determine to be proper, to reimburse such appropriations on account of expenditures therefrom in connection with the accomplishments of the purposes of the appropriations herein for the National Youth Administration.

The amendment was agreed to.

Mr. CONNALLY. Mr. President, I should like to have the attention of the chairman of the subcommittee, the Senator from Tennessee [Mr. McKELLAR]. On page 38 appears an item, "Grants to States for old-age assistance." Am I to understand that to be the item for the contribution by the Federal Government to the States for the payment of old-age benefits?

Mr. McKELLAR. It is.

Mr. CONNALLY. Mr. President, I very much regret that under the rules of the Senate I cannot offer an amendment legislative in its character that would affect this particular item. It will be recalled that when we last had the social-security amendments before the Senate in July 1939, the Senate adopted an amendment offered by me, which would have provided that in the matter of assistance to aged individuals the Federal Government would make contribution of two-thirds, up to as much as $15 per month per individual, and that from that amount upward the usual contribution of 50 percent each way would be continued in the future.

The House of Representatives refused to take any action to consider the matter, and when it went to conference we were unable to secure any favorable action on the part of the House.

I should like at this point to have inserted in the RECORD a copy of the amendment which was adopted at that time by the Senate, and I should also like to have incorporated in the RECORD the vote in the Senate by which that amendment was adopted. It was adopted by a vote of 43 yeas and 35 nays.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matters referred to are as follows:

[From the CONGRESSIONAL RECORD of July 11, 1939]

PAYMENT TO STATES

SEC. 3. (a) From the sums appropriated therefor the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing January 1, 1940, (1) an amount, which shall be used exclusively as old-age assistance, equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance under the State plan with respect to each needy individual who at the time of such expenditure is 65 years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds $40:

(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $15 multiplied by the total number of such individuals who received old-age assistance for such month, plus

(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A),

and (2) 5 percent of the amount of the payment under clause (1) of this subsection, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose.

On page 4, line 8, strike out "one-half" and insert in lieu thereof "the State's proportionate share."

[From the CONGRESSIONAL RECORD of July 12, 1939]

The result was announced—yeas 43, nays 35, as follows:

Yeas 43: Andrews, Barkley, Bilbo, Bone, Borah, Bulow, Chavez, Clark of Idaho, Connally, Downey, Ellender, Frazier, George, Guffey, Harrison, Hatch, Hayden, Hill, Hughes, La Follette, Lee, McKellar, Miller, Minton, Murray, Neely, Nye O'Mahoney Overton, Pittman, Reynolds, Russell, Schwartz, Schwellenbach, Sheppard, Shipstead, Slattery, Stewart, Thomas of Oklahoma, Thomas of Utah, Truman, Van Nuys, Wagner.

Nays 35: Adams, Austin, Barbour, Bridges, Burke, Byrd, Capper, Clark of Missouri, Danaher, Gerry, Gibson, Glass, Green, Gurney, Herring, Holman, Holt, Johnson of California, Johnson of Colorado, King, Lodge, Lucas, McNary, Maloney, Mead, Norris, Radcliffe, Reed, Taft, Tobey, Townsend, Vandenberg, Walsh, White, Wiley.

Not voting 18: Ashurst Bailey, Bankhead, Brown, Byrnes, Caraway, Davis, Donahey, Gillette, Hale, Logan, Lundeen, McCarran, Pepper, Smathers, Smith, Tydings, Wheeler.

So Mr. CONNALLY's amendment, as modified, was agreed to.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. I recall that the Senator presented an amendment, or a bill, at the time to which he refers—I believe it was in the form of an amendment—and I was very heartily in favor of it, and voted for it, and I was very sorry it was not enacted into law. I hope at the next session of Congress the Senator will reintroduce his proposal, as I should like to vote for it again.

Mr. CONNALLY. I thank the Senator.

The Committee on Finance has appointed a subcommittee, of which the Senator from Georgia [Mr. GEORGE] is chairman, for the purpose of studying the whole social-security system. I happen to have the honor of being a member of that subcommittee.

I desire to say that I expect to present this matter again to that subcommittee, and I am sure I will receive the approval of the subcommittee.

I have also introduced a bill to that effect, but being under the rules a revenue measure, I have not been able to get it

before the Senate at this session. Of course, I shall not undertake to introduce any amendment at this time.

Mr. President, let me say that the amendment is a very moderate one, and as I see it, strikes at probably the weakest point in our present old-age assistance from the Federal viewpoint. Our theory of making contributions 50–50 to the States was a sound one if the economic condition of all the States were similar. That would require them to put up an equal amount. But as a matter of fact that is not the case, and, under the present system, it simply means that when a rich State does or is able to give its pensioners a large amount, and therefore they will need less from the Federal Government, the Federal Government will say "For whosoever hath, to him shall be given, and he shall have more abundance; but whosoever hath not, from him shall be taken away even that he hath."

So you get a large amount from the State, and therefore you get another large amount from the Federal Government.

If you live in a poor State you get a mere little dole, and therefore you do not need any more, and we will give you a small-sized dole.

Mr. President, I regard it not as an extravagant, wild visionary proposal at all, but one which strikes at the weakest point in all our social-security legislation.

It seems to me that if the Federal Government owes any duty to an old person it owes the same duty to that person, whether he resides in Arizona or in Maine, and it is unwise and unsound to say to that Federal pensioner "We owe you a duty, but we do not owe you more than $2.20 if you live in one State, and we owe you $20 if you live in another State."

The pensions paid to retired Federal employees are not based upon any such scale. The pensions paid to retired soldiers and sailors are not based upon any such basis of economic theory. The pensions paid to veterans of the World War are not based on the theory that if a man lives in Indiana he should get a large pension, but if he lives in Arkansas he should get a small pension.

So, Mr. President, I want to call this matter again to the attention of the Senate. The Senate has already expressed itself by rather a substantial majority as favoring the principle involved, and the subcommittee of the Finance Committee expects to study this whole problem. I hope that as the result of that study we shall be able to come back to the Senate at the next session at least with legislation on this question, and I believe that if we should adopt some plan of this kind it would have much influence in allaying extravagant and visionary schemes that may be proposed.

I commend this subject to the attention and study of the Members of the Senate.

Mr. MINTON. Mr. President, we have moved so rapidly along with the amendments that we have passed the point at which I wanted to offer an amendment on behalf of the Senator from Florida [Mr. PEPPER].

Mr. McKELLAR. Mr. President, we are not very far from the end of the bill. I shall be perfectly willing that the Senator be given the opportunity to ask for reconsideration of the particular amendment involved, and then offer the amendment proposed by the Senator from Florida to the committee amendment.

Mr. MINTON. Very well.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The next amendment was, on page 44, line 16, after the word *"Provided"*, to strike out "That such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent that may be justified by differences in the cost of living" and insert "That the National Youth Administrator shall so distribute funds among the several States for the operation of the projects specified in paragraph 1 (b) of this title that the amount made available during the fiscal year for the operation of such projects for the benefit of the young people of each individual State shall bear the same ratio to the total funds made available for this purpose in all States as the youth population of that State bears to the total youth population of the United States with a variance not exceeding 5 percent", so as to read:

PAR. 4. The Administrator of the National Youth Administration shall, subject to the approval of the Federal Security Administrator, fix the monthly earnings and hours of work for youth workers engaged on work projects financed in whole or in part from the appropriation in paragraph 1, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1941 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1940: *Provided*, That the National Youth Administrator shall so distribute funds among the several States for the operation of the projects specified in paragraph 1 (b) of this title that the amount made available during the fiscal year for the operation of such projects for the benefit of the young people of each individual State shall bear the same ratio to the total funds made available for this purpose in all States as the youth population of that State bears to the total youth population of the United States with a variance not exceeding 5 percent.

Mr. DANAHER. Mr. President, I understood the clerk to read the amendment on page 44, beginning in line 16 through the word "living" in line 19, but there is further language following that in line 19 and ending in line 3, on page 45.

The PRESIDENT pro tempore. The Chair is informed that the amendment to strike out certain language and to insert other language was read as printed.

Mr. DANAHER. I failed to hear the clerk read the portion with respect to the insertion of certain language. Before we leave the subject, and reserving the right to comment on it, I wish the Senator from Tennessee would explain the plan of allocation of funds, which is contemplated in the language beginning in line 19, on page 44, and ending in line 3 on page 45.

Mr. McKELLAR. The explanation is to be found in the two provisos. The House provided:

That such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living.

The Senate committee thought that that should be modified and changed and inserted in lieu thereof the following language:

That the National Youth Administrator shall so distribute funds among the several States for the operation of the projects specified in paragraph 1 (b) of this title that the amount made available during the fiscal year for the operation of such projects for the benefit of the young people of each individual State shall bear the same ratio to the total funds made available for this purpose in all States as the youth population of that State bears to the total youth population of the United States with a variance not exceeding 5 percent.

It was believed by the Senate committee that that was a fairer and a more just way of handling the matter, in order to prevent any discrimination of any kind in favor of anyone, and that to adjust differences which might arise, a leeway of 5 percent should be permitted to the Administrator. For that reason the language was changed.

Mr. DANAHER. Mr. President, let me ask the Senator further, In what way does that formula vary from the present law?

Mr. McKELLAR. There is no present law covering it. The provision is carried in legislation from year to year. The National Youth Administration was under the W. P. A. last year, as the Senator recalls, and was carried in legislation providing for the W. P. A.

However, there is a change by reason of a readjustment of agencies. Last year an amendment to the W. P. A. Act provided that the monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than can be justified by differences in the cost of living. The committee thought there ought to be a different way of arriving at it. I think the method adopted by the committee is fairer, and I think on reflection the Senator will regard it as a fairer way of adjusting the matter.

Mr. DANAHER. I wish to make clear to the Senator that I have not voiced objection to the amendment. I am merely trying to understand it.

Mr. McKELLAR. I am sure the Senator would not object to it.

Mr. DANAHER. Let me ask the Senator, Who ascertains what the total youth population is in any State?

Mr. McKELLAR. The Administrator in Washington ascertains it through the administrator in the State.

Mr. DANAHER. How does he do it?

Mr. McKELLAR. Let me read the present law. I read from the last W. P. A. Act:

The Administrator of the National Youth Administration shall fix the monthly earnings and hours of work for youth workers engaged on work projects of such Administration financed in whole or in part from the appropriation in this section, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1940 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1939.

When the House put in the provision which has already been read, and with which the Senator is familiar, the Senate committee came to the conclusion that it might work undue hardships, and so the committee substituted the language of the amendment which has been read. I am sure that on reflection the Senator will believe that that is the proper method.

Mr. DANAHER. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 47, after line 9, to strike out:

PAR. 12. No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriation in paragraph 1 or paragraph 2 unless such person before engaging in such employment subscribes to the following oath:

And in lieu thereof to insert:

PAR. 12. No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, and no person shall receive assistance in the form of payments or otherwise from the United States for services rendered under the National Youth Administration, under the appropriation in paragraph 1 or paragraph 2 unless such person before engaging in such employment or receiving such assistance subscribes to the following oath:

The amendment was agreed to.

The next amendment was, under the heading "Title IV—National Labor Relations Board", on page 55, line 14, after the word "law", to strike out "$2,072,000" and insert "$2,272,000", so as to read:

Salaries: For three Board members of the National Labor Relations Board and other personnel services of the Board in the District of Columbia and elsewhere necessary in performing the duties imposed by law or in pursuance of law, $2,272,000.

The amendment was agreed to.

The next amendment was, on page 55, line 23, after the word "automobile", to strike out "$621,000" and insert "$674,000", so as to read:

Miscellaneous expenses (other than salaries): For all authorized and necessary expenditures, other than salaries, of the National Labor Relations Board in performing duties imposed by law or in pursuance of law, including rent in the District of Columbia and elsewhere; repairs and alterations; communication services; contract stenographic reporting services; lawbooks; books of reference; newspapers; periodicals; and operation, maintenance, and repair of one automobile, $674,000:

The amendment was agreed to.

The next amendment was, on page 56, line 5, after the word "elsewhere", to strike out "$150,000" and insert "$125,000", so as to read:

Printing and binding: For all printing and binding for the National Labor Relations Board in Washington and elsewhere, $125,000.

The amendment was agreed to.

The next amendment was, under the heading "Title VII—General provisions", on page 61, after line 7, to strike out:

SEC. 702. None of the funds appropriated in this act shall be used to pay the salary of any person appointed to a non-civil-service position, under the appropriations in the respective titles in this act, if the effect of such appointment is to increase the number of non-civil-service employees from the State of residence of any such non-civil-service appointee beyond the number of non-civil-service employees to which such State is entitled, under the appropriations in the respective titles of this act, on a basis of population: *Provided*, That this section shall not apply to any position, the appointment of which is made by the President.

The amendment was agreed to.

The CHIEF CLERK. It is also proposed to renumber the sections.

The PRESIDENT pro tempore. Without objection, the clerks will be authorized to renumber the sections.

That concludes the committee amendments.

Mr. McKELLAR. Mr. President, I have two or three amendments to offer on behalf of the committee. I should like to offer those before we take up any others.

On behalf of the committee, I offer an amendment which I send to the desk, and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Tennessee, on behalf of the committee, will be stated.

The CHIEF CLERK. On page 15, line 20, after the words "as follows:" it is proposed to insert the following:

Provided, That of the sum herein appropriated the Administrator may expend not to exceed $2,500 for temporary employment of persons, by contract or otherwise, for special services determined necessary by the Administrator, without regard to section 3709 of the Revised Statutes, and the civil-service and classification laws.

The amendment was agreed to.

Mr. McKELLAR. On behalf of the committee I offer another amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 39, line 10, after the figures "$61,000,000" it is proposed to insert:

Provided, That the Social Security Board is hereby authorized to certify to the Secretary of the Treasury for payment to the Postmaster General for postage, out of the amount herein appropriated, such amounts as may be necessary and at such intervals as shall be determined by the Board, under a procedure to be prescribed and agreed upon by and between the Board and the Postmaster General, for the transmission of official mail matter heretofore transmitted free pursuant to the provisions of section 13 of the act entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (29 U. S. C. 491), and for the transmission of official mail matter in connection with the unemployment compensation administration of States receiving grants out of the funds herein appropriated; the Postmaster General is hereby authorized and directed to extend to the States receiving such grants the privilege of transmission without prepayment of postage of official mail of the class upon which the Board is hereinabove authorized to certify amounts for payment of postage.

The amendment was agreed to.

Mr. MINTON. Mr. President, I ask unanimous consent to reconsider the vote by which the committee amendment on page 35, line 5, was agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is reconsidered.

Mr. MINTON. On behalf of the Senator from Florida [Mr. PEPPER], I send to the desk an amendment to the committee amendment which I ask to have stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 35, line 4, in the committee amendment, it is proposed to strike out "$1,650,000" and insert in lieu thereof the following:

And including not to exceed $100,000 for researches, investigations, and studies relating to the cause, diagnosis, and control of pneumonia, influenza, and the common cold, $1,750,000.

Mr. MINTON. Mr. President, the Senate will recall that late yesterday afternoon the Senator from Florida [Mr. PEPPER] offered this amendment, but owing to the parliamentary situation which then existed he was unable to obtain consideration for it. The Senator from Florida is unable to be

present today. On his behalf, being in sympathy with the amendment, I am offering it at this time.

All the amendment seeks to do is to provide an additional $100,000 to be used for researches, investigations, and studies relating to the cause, diagnosis, and control of pneumonia, influenza, and the common cold.

Mr. President, it is common knowledge that these are probably the most noisome and destructive diseases known to the human family. It is also known to us all that at the present time such progress is being made in the field of research and study with reference to these particular diseases as to startle even the medical profession itself. So it seems to me that at this time the Government could well afford to provide the Public Health Service with an additional $100,000 which it may spend in the study and consideration of these particular diseases.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. DANAHER. Does the United States Public Health Service request that sum, and for that purpose?

Mr. MINTON. No.

Mr. DANAHER. Whose idea is it?

Mr. MINTON. I think it is the idea of the Senator from Florida, although the Public Health Service, itself, feels that it could very wisely use this sum at this time in this particular field of endeavor.

Mr. McKELLAR. Mr. President, perhaps I ought to say a word in this connection. This appropriation was not recommended by the committee, and was not asked for by the Department.

Common colds are bad. I believe I have them as frequently as anyone else. Sometimes I think I have them more frequently than anyone else in the world. However, I do not think it is the duty of the Government of the United States to spend $100,000 at this time for investigation and research as to the common cold, or even as to the other diseases mentioned. It is very fine work. I will agree to that. Any work of research along that line which will promote the health of the country is a good thing; but I do not believe there is any constitutional or legal warrant for it. The law does not now provide for it. Probably the law would have to be amended before it would be in order. I am not making a point of order against the amendment, because I feel sure the Senate will vote it down. It ought not to be in the bill. The committee has not recommended it. The House did not recommend it, and I hope it will be voted down.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. OVERTON. Does the Senator recall how much we are spending investigating diseases of animals, such as Bang's disease, and other diseases?

Mr. McKELLAR. I do not happen to know.

Mr. OVERTON. It is a very large amount, is it not?

Mr. McKELLAR. I do not happen to be a member of the Committee on Agriculture and Forestry, and I cannot answer. I shall have to ask some member of that committee.

Mr. OVERTON. The Senator is a very able member of the Appropriations Committee. How much is being spent for the eradication of such pests as the grasshopper?

Mr. McKELLAR. Several million dollars.

Mr. OVERTON. Does not the Senator think it would be wise for us to do something in the interest of human beings?

Mr. McKELLAR. I think we are doing many things in the interest of human beings; but unfortunately I do not think we are warranted, either by our Constitution or laws, in making such independent investigations, especially when they are not recommended by the Department or by the Bureau of the Budget.

Mr. OVERTON. I assume that the United States Public Health Service would have no objection.

Mr. McKELLAR. I do not think any department of the Government would object to any appropriation given to it for any purpose whatsoever.

Mr. OVERTON. I think that is a pretty broad statement.

Mr. McKELLAR. I think we can all agree to that.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BANKHEAD. Does the Senator have any information as to how many hundreds of millions of dollars have been spent by such research organizations as the Rockefeller Foundation and others, in trying to find a remedy for the common cold, and methods of treatment and prevention?

Mr. McKELLAR. Enormous sums are being spent all the time by the medical profession.

There is one further objection to this amendment which strikes me with considerable force. It was first asked that $50,000 be used for this purpose. The testimony was that the Department was entitled to the $50,000 for the following reason: Last year we appropriated $50,000 to ascertain whether or not the poisons used in sprays for the purpose of killing insects on apples, oranges, and other fruits were injurious to human life or human health. They spent that $50,000, made their report, and finished the entire subject. Then, some officers of the Health Service felt that that $50,000 ought to be appropriated for this purpose, which is an entirely different purpose. Their idea was that having once been appropriated for the Department, that appropriation ought to remain with the Department for all time. I hope the Senate will not agree to this amendment.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. MINTON. Is there in the bill any appropriation of any kind for the purpose contemplated by the amendment of the Senator from Florida? I am not thoroughly familiar with all the appropriations in the bill.

Mr. McKELLAR. Oh, yes.

Mr. MINTON. How much?

Mr. McKELLAR. There is an appropriation of $1,650,000 in this bill.

Mr. MINTON. For what?

Mr. McKELLAR. For researches into various diseases. Researches and examinations are conducted. The Department can make their studies of such diseases as they think proper. There is no question about the money already being in this bill. The amount is $1,650,000, according to the Senate committee amendment, which has once been adopted and has now been reconsidered. The House provided an appropriation of $1,600,000, so the appropriation is obliged to be at least $1,600,000 for the purpose of these investigations.

Mr. MINTON. That would include, I presume, the study of the other diseases mentioned in the amendment; but this amendment would earmark $100,000 for the special study of the diseases which are the most common, among them—colds. It is time, I think the Senator will agree, that some action should be taken along that line.

Mr. McKELLAR. I think colds are most common, but I am not sure whether the other diseases mentioned in the amendment are among the most common or not.

Mr. MINTON. A chart which has been placed upon our desks shows that, at least in the Army, influenza is the cause of most of the sick reports.

Mr. McKELLAR. Yes; and we appropriated a large sum in the Army bill for investigations to ascertain about that. As I stated in the committee, I recall very distinctly that in 1917, when I happened to be a member of the Military Affairs Committee of the Senate, while the World War was in progress, influenza and common colds were even more prevalent within the Army and in the country generally than they are now. Influenza seems to have been epidemic in a great many States, and we did not have the proper means of treating it in the Army.

But the Congress appropriated money to investigate and combat that disease, and the disease was treated and the soldiers were greatly benefited by the treatment.

Under the circumstances I believe we should not increase the appropriation for the purpose contemplated. The Department has not asked for it; there is no Budget estimate

for it; it has not been passed upon by the House, and both the House committee and the Senate committee left it out. I think the Senate ought to leave it out.

Mr. MINTON. Let me ask the Senator from Tennessee if it is not true, if he knows——

Mr. McKELLAR. If I know, I will be glad to answer.

Mr. MINTON. That since the Budget estimates were prepared there has been revealed to the public by scientists and doctors wonderful advances which have been made in the study and treatment of the diseases referred to in the amendment?

Mr. McKELLAR. Yes; there have been.

Mr. MINTON. I recall some reports in the newspapers quite recently showing that there has been put upon the market or brought to the attention of the scientific world and the medical world a medicine that is very effective in the treatment of pneumonia. If these advances are being made so rapidly and so startling in this particular field, may not the Federal Government spend $100,000 in that field to advantage at this particular time?

Mr. McKELLAR. I agree with the Senator entirely that tremendous advances have been made in researches by the medical profession into a great many diseases, and pneumonia and other diseases are included among them. I think it is clear that the medical profession is making the greatest strides in its history in its research and discoveries. I think the medical profession is doing a wonderful work. It is doing it on its own initiative, and I do not believe that the expenditure of $100,000 for the Public Health Service in this respect would be of any advantage.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Indiana [Mr. MINTON] on behalf of the Senator from Florida [Mr. PEPPER] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

Mr. LA FOLLETTE obtained the floor.

Mr. BYRNES. Mr. President, will the Senator from Wisconsin be kind enough to yield to me, as I have to leave the Chamber, so that I may offer a clarifying amendment to which there is no objection? If there shall be objection, I will immediately withdraw it.

Mr. LA FOLLETTE. Very well.

Mr. BYRNES. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On line 10, page 50, after the words "United States", it is proposed to insert:

And to persons receiving assistance in the form of payments from the United States for services rendered under the National Youth Administration.

Mr. BYRNES. Mr. President, the purpose of the amendment is to make clear that young men, young boys, receiving payment from the National Youth Administration for working in a college or other educational institution may, in case of injury, be entitled to the same benefits under the Compensation Act as are other young men who are the beneficiaries of the National Youth Administration but who are employed at some place other than in a college or school.

The amendment is necessary because of an interpretation by the attorney for the Employees' Compensation Commission. As a result, the situation in New York and in some other States is quite bad, because the law requires that these employees be insured.

There is no objection to this amendment on the part of the committee.

The PRESIDENT pro tempore. Without objection, the amendment offered by the Senator from South Carolina [Mr. BYRNES] is agreed to.

Mr. LA FOLLETTE. Mr. President, unfortunately the senior Senator from Virginia [Mr. GLASS], the chairman of the Appropriations Committee, is necessarily absent today, and I am authorized by him to state that if he had been able to be present he would offer the amendment which I am about to offer. Therefore I offer it on behalf of the Senator from Virginia and myself.

On page 32, at the beginning of line 18, I move to strike out "$5,000,000" and insert "$7,000,000."

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Tennessee.

Mr. McKELLAR. This morning the senior Senator from Virginia called me and stated that he would necessarily have to leave town today and would not be here, and he wanted me to pair with him, he being very much in favor of the amendment of the Senator from Wisconsin. I supported the amendment in the committee, but the committee voted me down. I am now representing the committee, and for that reason I am going to vote against the Senator's amendment. However, I shall be paired with the Senator from Virginia on it. It is an amendment about which the Senator from Virginia feels very deeply, and I am going to pair with him without transfer.

Mr. LA FOLLETTE. I thank the Senator for his statement.

Mr. President, I have the honor to be the co-author of the enabling legislation, commonly called the La Follette-Bulwinkle bill, which inaugurated the conservative but carefully considered program to control and eradicate venereal diseases.

I wish briefly, Mr. President, to summarize the facts showing the importance of controlling venereal diseases and the necessity for carrying forward the program which up to now has been so successfully administrated under the direction of the Surgeon General of the Public Health Service, Dr. Thomas Parran.

First, I wish to discuss and to summarize the importance of controlling the disease of syphilis. That disease, Mr. President, is responsible for 15 percent of blindness; it is responsible for 10 percent of the insanity in the United States. There are 8,000 syphilitic insane admitted to overcrowded institutions for the insane throughout the 48 States and the District of Columbia. There are 43,000 beds occupied and maintained in public and private institutions in the United States for mental care of patients whose mental disability is due to syphilis.

Syphilis can be eradicated if we but have the courage, the vision, and the determination to carry on the work which has already been begun. If we allow only $2 a day as an estimate of the cost of caring for the mental manifestations of syphilis—and I may say that that is a very low estimate—it is costing the people of the United States $31,000,000 a year to care for this one aspect of the tragic result of syphilis, a disease which science and the medical profession now have the means of treating so that it can be eradicated, or at least brought under control.

Mr. President, in the face of such a situation it is not economy for the Congress to fail to provide the additional $2,000,000 authorized for this purpose this year in the La Follette-Bulwinkle Act. I may say, in passing, that in drawing that legislation we consulted with the best authorities in the United States. We arrived at very conservative estimates for the gradual stepping-up of the program in order that it might be carefully developed and might proceed with a reasonable degree of conservatism, so that in the initial stages the work done should be sound, and its efficacy demonstrated, before large sums of money were provided.

Furthermore, let me say that $10,000,000 a year is spent for the care of syphilitic blind in the United States.

Sixty thousand babies are born in this country every year with congenital syphilis, which medical science, if given an opportunity, can prevent.

Forty thousand persons die in the United States each year from heart disease caused by syphilis.

One hundred and sixty thousand persons in the United States who have heart disease due to syphilis are incapacitated.

Today syphilis can be virtually stamped out and brought under control; and a marvelous characteristic of the treatment now provided for syphilis is that within a very short space of time after a patient undergoes treatment it becomes impossible for the patient further to communicate the

disease. In short, medical science has provided us with what may be termed a chemical quarantine.

In the Scandinavian countries this disease has become a rarity because of their prolonged program for its eradication and control. Likewise, we have in our own country examples which indicate what can be done if this program is carried out on a sufficiently broad scale.

I wish to read briefly from the statement of Dr. N. A. Nelson, of the Massachusetts Department of Health, appearing in the House hearings on the pending bill at page 987. In 1915 Massachusetts, without Federal assistance, inaugurated a program which it has continued to follow. Dr. Nelson said:

A study of syphilis in pregnant women made between 1915 and 1919 disclosed that about 10 percent of the 10,000 examined had the disease. Another study of 17,000 pregnant women, made between the years 1930 to 1935, disclosed that only about 2 percent had the disease. This was in the face of the fact that a far more sensitive blood test was in use during the latter period. It has been concluded, therefore, that syphilis in pregnancy has been reduced by 75 or 80 percent, at least, during the last 10 or 15 years.

Shall we quibble over $2,000,000 when expert testimony is available to the Members of this body showing what can be done to prevent the terrible scourge which this disease inflicts upon its victims?

Continuing from Dr. Nelson:

In 1939 only 27 cases of congenital syphilis were reported in infants from the entire State, and the largest clinics in the State report admissions of not more than half a dozen new cases of congenital infection in children of all ages each year.

Admissions to mental-disease hospitals for, and deaths from, general paralysis of the insane have declined at least 75 percent during the last 25 years.

In 1926, the first year for which data are available as to the stage of syphilis reported, the reported rate of early syphilis was 46 per 100,000 population. In 1939 the rate was 13.9, only 30 percent of the earlier rate.

I also wish to quote in this connection from a statement by Dr. Carl N. Neupert, of the Wisconsin State Board of Health. Wisconsin inaugurated a program in 1919, and has carried it on effectively ever since.

Dr. Neupert says:

The objectives in this program are primarily humanitarian and economic. From an economic standpoint, investments in prevention, and therefore reduction in incidence, of syphilis can be shown to produce bountiful returns. An insane hospital of 800 beds located near the State capital showed, in an initial survey, that 13 percent of its inmates were there as a result of syphilis; 10 years later, a similar survey revealed that this percentage had been reduced to less than 4. It has been accurately determined that each case of insanity due to syphilis in this hospital costs the State $5,000 for care, and so forth, from the time of entry until death. On this basis, if the 13-percent ratio had continued, there would have been 270 more cases due to syphilis in that hospital during those 10 years than there were. This represents a saving of $1,350,000. With similar circumstances obtaining in the northern State hospital for the insane of equal size, there was an additional saving during that period of $1,350,000, or a total of $2,700,000. This saving was only one of the many resulting from an expenditure of tax moneys totaling $683,025.13 as shown above.

Mr. President, I was informed by a member of the faculty of the medical school of the University of Wisconsin that the program in that State has gone forward so successfully that it is now becoming difficult to find in a clinical patient an original lesion due to syphilis for demonstration purposes in teaching medical students dermatology and syphilology. So it cannot be denied that we have within our grasp the means of virtually stamping out this horrible scourge and bringing it under control in this country; and all I am pleading with the Senate for is the amount authorized in the original act, a sum of $2,000,000, in addition to what the committee and the House have seen fit to allow.

Mr. President, great credit is due to Dr. Thomas Parran since he became Surgeon General for the leading part he has taken in breaking down the taboo against the discussion of venereal disease. Syphilis, however, has certain dramatic, though ghastly, characteristics which appeal to the imagination and which make it possible to dramatize its effects and to make a public appeal for a campaign to eradicate it or at least to bring it under control.

Unfortunately, that is not true of gonorrhea, which is a menace to the health of men, women, and children all over the United States. In the summary which I am about to make I am leaning very heavily upon the testimony and upon the masterful book written by Dr. Pelouze, of the medical school of the University of Pennsylvania. He is one of the outstanding experts in the United States, if not in the world, on the subject of gonorrhea.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I do.

Mr. BONE. I do not desire to interrupt the thread of the Senator's argument, but I wonder if any of the data he has before him indicate what part syphilis plays in heart disease.

Mr. LA FOLLETTE. Mr. President, 40,000 people in the United States die every year as the result of heart disease caused by syphilis, and 160,000 persons are incapacitated every year as the result of syphilitic heart disease.

Next to the common cold, gonorrhea takes second place in the order of frequency of disease in the United States. There are three times as many new cases of gonorrhea a year as there are of syphilis. There are 3.5 percent new cases of gonorrhea in the armed forces of the United States as compared with syphilis. In contrast with syphilis, gonorrhea is transmissible as long as one germ is present. In other words, under the treatment of syphilis, as I have pointed out, practically as soon as the patient comes under the treatment a tentative quarantine is produced, and so long as the patient remains under treatment the disease cannot be communicated. But unfortunately that is not so in the case of gonorrhea, for so long as one germ is present the disease may be communicated to others. In other words, gonorrhea is a 100-percent public-health problem.

Gonorrhea deals more lightly with the adult male, as compared with females of all ages, and perhaps for that reason it has in the past been regarded as not so serious a menace. But Dr. Pelouze, after his exhaustive studies, is responsible for the statement that gonorrhea is responsible for 30 percent of the childless marriages in the United States. It causes 7 percent of the blindness in children in this country. There is no way of measuring the great amount of invalidism gonorrhea produces in women. It is certainly recognized by all students as being the cause of many operations on the female organs of generation. It is one of the great hidden causes of marital unhappiness and divorce.

Gonorrhea infects many thousands of our female children, and produces in many of them, through the isolation of the old treatment, a picture in practice of personality changes, which unfortunately in many of them last throughout their lives.

In children of school age, thousands of whom contract the disease, it causes prolonged and serious interruption of their education. In older girls the disease commonly causes mental scars which not infrequently turn them toward prostitution. In young men it frequently acts as a deterrent to marriage.

Fortunately, within the last couple of years great progress has been made in coping with this disease. Sulfanilimid and sulfapyridin are producing remarkable results. There is also another one of this ring, sulfathiasol, which has not yet been released by the Food and Drug Administration, but Dr. Pelouze, in his testimony before the committee, stated that it gives hope of all the effectiveness of sulfanilimid and sulfapyridin without containing their poisonous principle. If, under sufficient and careful clinical and laboratory tests, this should prove to be so, thus enabling it to be utilized by the Public Health Service and by practicing physicians, there is hope that this drug can be administered to ambulatory patients without fear of any of the systemic complications involved in the utilization of sulfanilimid and sulfapyridin. As many Senators perhaps know, those two drugs produce complications, and sometimes a form of temporary anemia which makes it necessary to keep the patient under close clinical observation as to the content of the blood and its make-up. But if this new drug should prove to be as effective as is now hoped it may be entirely possible to treat persons without their being hospitalized, or without their being brought under such close clinical observation as is now necessary.

Mr. President, we are ready to make a great medical and educational attack upon gonorrhea, but funds are lacking.

I am making an especial appeal for the adoption of the pending amendment, proposed on behalf of the Senator from Virginia [Mr. GLASS] and myself, in order that the educational and medical attack upon gonorrhea may be carried forward hand in hand with the wonderful progress which is being made in controlling and eradicating syphilis.

Let me briefly summarize the great advance which has already been made since the enactment of the La Follette-Bulwinkle bill. In 1936 there were 800 clinics in the United States handling and treating venereal diseases. On January 1, 1940, there were 2,563 such clinics in the United States.

Last year 103,000 men, women, and children were discharged with their diseases completely cured or arrested.

In 1930, 7,700,000 doses of arsenical drugs were given. In 1939, 12,300,000 doses were given.

There has been a fivefold increase in the amount of free drugs distributed by the States between 1936 and 1940.

The total number of syphilitic patients admitted to clinics in 1936 was 80,000. In 1940 the number was 250,000.

Forty-four thousand patients suffering with gonorrhea were admitted in 1936 and 72,000 in 1940.

There has been a 52-percent increase in blood tests during the first 6 months of 1940.

Mr. President, the States and their various subdivisions are doing their full share in cooperation with the effort being put forth by the Federal Government. In the last fiscal year Federal funds allotted to the States amounted to $4,379,250. The amount appropriated by State, city, and county governments was in excess of $6,000,000.

The total administrative expense for this program amounts to only 3.75 percent. The States have budgeted 78 percent for treatment, laboratory facilities, case finding, and case-holding efforts, showing that a very large percentage of the funds made available for the Federal Government, the cities, States, and counties is going for the actual treatment of patients. The remaining 22 percent was budgeted for public and professional education, training of technicians, such as doctors and nurses, and for special consultation service, embracing larger centers and rural centers so as to improve diagnosis and treatment.

No one denies that this program is being efficiently administered, and that it is bringing great hope to thousands upon thousands of people all over the United States. There is urgent need that the program should go forward and not be held merely in status quo. If the Congress should fail to provide the money authorized in the original act, many of the States, which, as I have pointed out, are now, with their subdivisions, providing more money than is the Federal Government, would feel that the Federal Government had lost its zeal for this program, and the effect might be disastrous.

Mr. President, we are spending $2,000,000,000 this year for national defense. Is it too much to ask $2,000,000 in this amendment in order to provide additional services to the people of this country in eradicating these two scourges?

In this connection I desire to read a letter dated February 17, 1940, from an authority whom I am sure no one will rise on this floor to question. It is a letter from Tucson, Ariz., addressed to Representative LOUIS LUDLOW, of the House of Representatives, and signed by Gen. John J. Pershing. The letter is as follows:

TUCSON, ARIZ., *February 17, 1940.*

Congressman LOUIS LUDLOW,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: In your letter of January 31 you request a statement of my views on the question of social diseases.

Upon our entry into the World War it was well known that these diseases had always been a serious handicap to the effectiveness of armies. At the outset, therefore, we instituted regulations by which we were able to keep the incidence of venereal diseases at a lower rate than ever before known in our own or any other army. A very different and appalling national situation is presented by statistics today. As military preparedness depends largely upon the health of our Nation, the prevalence of these diseases would be a serious problem in a national emergency. Moreover, we owe it to posterity to do something about it.

The Public Health Service has undertaken to solve this problem, and I am gratified to know that you and the Appropriations Committee are interested in its importance.

Sincerely yours,

JOHN J. PERSHING.

Mr. President, as many Senators know, Army maneuvers on a large scale are to take place this year. I should like to call the attention of the Senate to a chart taken from the San Antonio Evening News of March 17, 1940, which shows that all States in the Nation, except 15, are furnishing troops for the mammoth third Army maneuvers. Such large concentrations of troops, drawn from various sections of the United States create an emergency problem, so far as the control of these two diseases is concerned, and it is upon that basis, in part, that I appeal for the amendment which I have tendered.

I wish to read a brief excerpt from an article appearing in Time Magazine of April 8, 1940:

At Fort Benning, Ga., where new ways and weapons are tested, the soldiers of this new Army acted pretty much as soldiers always have. On their nights off they sought liquor and girls in the dollar-houses and tawdry taverns of staid old Columbus, Ga., or in the honky-tonk and juke joints across the Chattahoochee River in wild, wide-open Phoenix City, Ala. The liquor was there, but the girls were gone or going, lining the roadsides in their bright dresses to bum rides to fairer pastures. This seemed strange behavior, for troops by the thousands were assembling in the South for maneuvers at Fort Benning this month, in Louisiana and Texas next month. By military precedent older than Xerxes, the commercial ladies should have followed the soldiers, not run away.

They were fleeing because mustachioed Brig. Gen. Asa L. Singleton noted an alarming increase of venereal disease at Fort Benning. Forthwith he laid down the law to Columbus and Phoenix City: Run out the prostitutes or both towns would be declared "out of bounds" for Fort Benning troops.

Mr. President, as I stated a moment ago, we are spending approximately $2,000,000,000 this year for national defense. It is my contention, and I think it is a fair construction to put upon General Pershing's letter that it is his construction, that the best national defense is a strong and healthy population. The large concentration of troops for maneuvers presents an emergency problem. My appeal to the Senate, Mr. President, is that, as we prepare to make America strong against any foreign foe, we shall not fail to carry on a successful domestic war here at home against two of the most deadly enemies to the health and happiness of the people of the United States.

Mr. CHANDLER. Mr. President, the pending amendment, offered jointly by the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Virginia [Mr. GLASS] would increase the appropriation to fight syphilis in the United States from $5,000,000 to $7,000,000.

I desire to speak briefly in support of the amendment.

At the outset I should like to congratulate the Senator from Wisconsin [Mr. LA FOLLETTE]. Because of his efforts, which commenced in 1936, and which were followed in 1937 by the passage of the La Follette-Bulwinkle Act, an effective campaign against syphilis in the United States was commenced for the first time.

As a practical example, I call the attention of the Senate to the case of my own State, the Commonwealth of Kentucky. In 1930, 680 new cases of syphilis were reported in that State In 1939, 9,722 new cases were reported. I am not persuaded that there were not as many cases in 1930 as in 1939, but before a partially adequate treatment was provided those cases were never reported to the public-health authorities.

I think we are exceedingly fortunate in our State to have Dr. Arthur McCormick as commissioner of public health. He and his father have guided the destinies of the health of the people of Kentucky for more than half a century.

Further to indicate my interest in and to urge upon the Members of the Senate their support of this very important amendment, I refer to some remarks which I made before the committee when the question was brought to the attention of the Committee on Appropriations.

As the result of the passage of the original La Follette-Bulwinkle Act, clinics were organized and are now in operation in 106 of the 120 counties of Kentucky. Only patients who are known to be unable to pay for treatment at the hands of private physicians are admitted to these clinics, and 70.9 percent of the new cases of syphilis discovered in Kentucky in 1939 were economically unable to afford adequate treatment for their respective syphilitic infections. It

is known that of the 6,892 new cases admitted for treatment in the public clinics, 45 percent were female and 55 percent were male cases. In 66 percent of the female cases the ages of the women suffering from the disease were from 15 to 35 years—the period when women bear the most children. It is known that except for this treatment potential mothers would have gone untreated, and the result would have been, in 5 or 6 cases, the birth either of a dead child or of a child infected with syphilis.

There are approximately 2,800,000 people in Kentucky, about 227,000 of whom are colored, who suffer from syphilis in the ratio of about 15 to 1 as compared with the white people.

I think we should make a serious mistake if we should refuse to appropriate an additional $2,000,000, and thus cause the public-health authorities of the several States in the United States to let up in a very important work which, in my judgment, if permitted to be continued, will eventually result in the almost complete eradication of this dreaded disease.

Mr. President, I ask that a portion of my statement before the Committee on Appropriations, found in the committee hearings beginning on page 119 and continuing to page 122, be printed in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEASURES FOR CONTROL OF SYPHILIS IN KENTUCKY

Senator CHANDLER. Measures for the control of syphilis in Kentucky have become more widespread during the past year than ever before in the history of the State. This intensified effort was made possible by the passage of the La Follette-Bulwinkle bill in 1937. Some idea may be obtained of the rapidity of the growth of measures designed to control syphilis in the State when it is pointed out that there were only 680 new cases reported to the State department of health in 1930, while in 1939 there were 9,722 such cases reported. This astonishing increase, which has been gradual year by year over the intervening years, does not indicate, we believe, that there was more syphilis in Kentucky in 1939 than there was in 1930, but merely, with increased facilities for finding and treating syphilis, we have been able to bring a greater proportion of the infected population under control.

PROGRESS MADE

When Kentucky first obtained its pro rata share of the $3,000,000 appropriated under the La Follette-Bulwinkle bill in 1938, approximately 2,000 more new patients were brought under treatment during the first fiscal year after these new funds were made available. During the following year, 1939, when $5,000,000 was made available, with Kentucky receiving its pro rata share, the State had approximately doubled the number of patients under treatment during these 2 years when contrasted with any similar period previous to having available these funds. Kentucky is not a wealthy State; in fact, it is among the poorest of the States when comparison is made on the basis of per capita income. Without the availability of such funds as come to the State through the authority of the La Follette-Bulwinkle bill, it would have been practically impossible for it to have accomplished such a result.

Syphilis control in the State of Kentucky is being effected by all the avenues which public health and medical science afford for the effective handling of the problem. The people of the State are being offered public-health education through every available channel. They are being made more and more conscious of the fact that syphilis is an outstanding public-health menace. Their willingness to cooperate in this campaign is attested to by the rapidity and extent of the gains thus far made.

CLINICS

Another esesntial in the control of syphilis is the organization of clinics, manned by trained personnel, and readily available to the infected population, particularly to those people who are suffering from the disease and who, because of economic need, are unable to afford treatment from their own resources. Such clinics have been organized and are now in operation in 106 of the 120 counties of Kentucky, and for those counties in which no clinic exists there is not one in which there is not a clinic available to its infected people in its neighboring county.

LABORATORIES

An essential in the control of syphilis, as well as the control of the other venereal diseases, is the availability of laboratory service to assist in the diagnosis and detection of these diseases. Since the availability of funds appropriated under the La Follette-Bulwinkle bill, the serologic laboratory for the diagnosis of syphilis in the State Department of Health of Kentucky, has been doubled in its capacity. Whereas, before the availability of these funds the serologic laboratory was running approximately 250 blood specimens a day, the same laboratory is now running approximately 500 a day. This laboratory provides for testing blood specimens submitted, not only from the public-health clinics of the State, but from practicing physicians throughout the State, in its effort to aid in unconvering and bringing under treatment as many cases of the disease as possible.

EFFECT IN KENTUCKY OF REDUCTION IN APPROPRIATION

If the sum made available during the coming fiscal year is reduced from $5,000,000 to $3,000,000, it will mean that two-fifths or approximately 4,000 of the patients being treated in the public-health clinics of Kentucky will be deprived of further treatment. This means that these patients will be dropped, many of them to relapse into communicable stages of the disease, and thereby become flagrant public-health menaces and many of them will suffer the known consequences of inadequate treatment, which means total or partial invalidism resulting in their care at the expense of the taxpayers in the State's eleemosynary institutions.

To diminish the appropriation under the authority of the La Follette-Bulwinkle bill from $5,000,000 to $3,000,000 would make largely ineffective both our recently passed premarital and anticipated prenatal laws. It is conservatively estimated that these two laws will add between two and three thousand cases of syphilis annually to the case load that is already being treated in the public-health clinics of the State. At present it requires all of the funds which the State has available to carry its case load and these facilities would obviously be inadequate with an added two to three thousand cases yearly.

PROBLEM OF SYPHILIS CONTROL IN KENTUCKY

The following facts will serve to emphasize more definitely the problem of syphilis control in Kentucky.

During the calendar year 1939 there was a total of 9,722 new cases of syphilis reported to the State department of health by physicians and health officers throughout the State. Of this 9,722 new patients 6,892 of them were reported as being admitted to their first treatment in the public-health clinics; that is, 70.9 percent of the newly reported cases of syphilis during 1939 were placed under treatment in the public-health clinics of the State. Only patients who are known to be unable to pay for treatment at the hands of private physicians are admitted to these clinics, hence 70.9 percent of the new cases of syphilis that were discovered in Kentucky in 1939 were economically unable to afford adequate treatment for their respective syphilitic infections.

Of the 6,892 new patients that were admitted to treatment in public-health clinics in 1939, 3,154, or 45 percent, were females while 3,738, or 54 percent, were males. Something of the importance of the characteristics of this group of patients is realized when it is pointed out that 2,087, or 66 percent, of the females were between the ages of 15 to 35 years, hence of the age when women bear most children. It is known that these potential mothers, had they gone untreated, would have given birth to dead or diseased babies 5 times out of 6 pregnancies.

Something of the importance of the age distribution of these cases is emphasized when it is realized that 276, or 4 percent, of the 6,892 new cases admitted to the public-health clinics for treatment were under 15 years of age, and of this number 221, or 80 percent, were children who contracted the disease before their birth and were thereby absolute innocent child victims of syphilis.

Further, when studied as to age distribution, of the 6,892 new patients admitted to the clinics, 3,079, or 45 percent, of them were between the ages of 15 and 30 years. These patients were found to have the disease during the most active years of their lives when most of them were just starting their careers and were least able to afford adequate treatment.

Further, with respect to the age distribution of these patients, 3,537, or 51 percent, of the 6,892 new cases admitted to clinics were in people over 30 years of age. Of this 3,537 patients, a total of 3,033, or 85.7 percent, of them were in the late stages of the disease; that is, they had the disease in the stage which sends many of them to the insane asylums and hospitals because of syphilitic brain and heart diseases.

When this group of patients is studied with respect to color, it is found that 3,502 of the total of 6,892 new patients admitted to clinics were white people. Since the white population of the State was 2,770,000 in 1939, the attack rate per thousand white population of the State was 1.3 cases per thousand. Of the total of 6,892 patients admitted to clinics, 3,390 of them were Negroes. With the Negro population of the State at 225,000 in 1939, the attack rate for the colored people of the State would be 15 cases per thousand population. This means that syphilis attacks Negroes approximately 12 times more frequently than it attacks white people. As is well known, people of the colored race are least able to pay for adequate treatment for syphilis, and therefore, unless funds are provided, most, if not all, of the colored people who have syphilis will go inadequately treated or entirely untreated.

PUBLIC-HEALTH CLINICS

In the matter of treating patients in the public-health clinics of the State of Kentucky it should be pointed out that during calendar year 1939 there was an average of 7,372 patients under treatment for syphilis in these clinics each month. Each one of these patients was given an average of 2.9 treatments per month. If each patient received an average of 2.9 treatments per month then they received an average of 35 treatments per patient for the year of 1939. Progress in the treatment of syphilis in Kentucky may be emphasized when it is pointed out that for the preceding year, 1938, calculated on the same basis, it was found that patients received an average of only 12 treatments per patient for the year,

whereas, this average was only 3 treatments per patient for the year of 1937. This is pointed out in order to emphasize the influence that the increase in funds has brought about in the adequacy of the treatment of syphilis in Kentucky since the passage of the La Follette-Bulwinkle bill.

PROGRESS IN CONTROL OF VENEREAL DISEASES

It was hoped by all health authorities throughout the country that the appropriation under the authority of the La Follette-Bulwinkle bill would have been increased from $5,000,000 to $7,000,000 for the fiscal year 1940–1941, and progress would continue. If this appropriation is not increased, it certainly should not be diminished and progress curtailed. Thus far, progress in venereal-disease control has been gratifying, even though all the money yet appropriated by Federal, State, and local governments and other agencies does not yet approximate a conservative estimate considered by medical and public-health experts to be necessary for the most effective public-health campaign against syphilis and other venereal diseases.

Senator CHANDLER. I do not need to take further time of the committee except to say to you that I think that they are doing very fine work. I think it ought to be continued, and such appropriations ought to be made as you can spare under the circumstances, because they are doing a fine job.

Mr. CHANDLER. Mr. President, I urge Members of the Senate to support the amendment offered by the Senator from Virginia [Mr. GLASS] and the Senator from Wisconsin [Mr. LA FOLLETTE].

The PRESIDING OFFICER. The question is on agreeing to the amendment offered jointly by the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Virginia [Mr. GLASS].

The amendment was agreed to.

SUPPLEMENTAL WATER FOR IRRIGATED AREAS

Mr. THOMAS of Idaho. Mr. President, it is not my intention to take more than a few moments of the time of the Senate. The matter I wish to discuss deals with reclamation appropriations as they affect Idaho. As a bill affecting those appropriations will be before the Senate in a few days I desire to make a statement at this time.

Mr. President, it was my good fortune during my previous term in the Senate to serve as chairman of the Committee on Reclamation. At that time I made a very careful study and interested myself in a movement to secure supplemental water for the many irrigated areas which lacked sufficient water to make farming operations successful. In the region of the United States where irrigation is used, the element most important to the success of the farmer is an ample supply of water.

Many farmers from other sections of the country occasionally express the fear that the development of these irrigated areas will mean additional surpluses of farm crops. This is entirely a mistaken idea. These western areas have proven to be especially adapted to the production of fruits, vegetables, beans, peas, sugar beets, potatoes, grains, and other crops, and a very profitable livestock industry which includes cattle, sheep, and dairying has been developed. Approximately 75 percent of the products in this section are consumed in the immediate area of production.

The fear of potential competition from the newly irrigated lands of the West should be immediately dispelled when we realize the nature of the crops produced. Representative WHITE of Idaho in a recent speech before the Rivers and Harbors Congress, pointed out that only 2 percent of the cotton grown in the United States, six-tenths of 1 percent of the wheat, and less than one-tenth of 1 percent of the corn is produced on Federal irrigation projects. On the other hand, were it not for the corn and other grains that western cattle consume on middle western feed lots, surpluses would be far more serious.

Moreover, the people whose homes in the West have been made possible by irrigation, form a splendid and steadily consuming market for products produced in our big industrial sections. A survey in 1937 by the Idaho State Planning Board of incoming shipments received at stations in the Boise Project area alone gives us an indication of the extent of the market which Federal reclamation projects create. During that year more than 300 carloads of foodstuffs were shipped into the Boise area from States as far east as Massachusetts and as far southeast as Florida. From Michigan came 312 carloads of automobiles and trucks, this exclusive of the automotive equipment manufactured in Michigan and assembled in California that came to Idaho. The area consumed in that single year more than 50 carloads of household equipment, also from Michigan. Sixty-five carloads of farm supplies came from Minnesota; 114 carloads of oils, greases, steel products, and so forth, from Pennsylvania; 57 carloads of motor vehicles, building materials, and miscellaneous merchandise from Missouri. Louisiana, Arkansas, Florida, Alabama, Connecticut, Kentucky, Nebraska, Ohio, and Indiana are other States which shipped substantial quantities of their products to the Boise region during that year. Such markets as are provided by the western irrigated sections are far too important to the economic welfare of our Nation to be neglected.

The results of the Idaho survey are summarized in Senate Document 36 of the Seventy-sixth Congress, National Irrigation Policy and Its Significance. Mr. President, I ask unanimous consent to have the portion of the document dealing with this survey printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. MINTON in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

SUMMARY OF THE SURVEY BY THE IDAHO STATE PLANNING BOARD OF INCOMING RAILROAD SHIPMENTS RECEIVED AT STATIONS OF THE BOISE PROJECT AREA IN 1937 AS IT APPEARS IN SENATE DOCUMENT NO. 36 OF THE SEVENTY-SIXTH CONGRESS, FIRST SESSION

The Boise survey, listing the incoming commodities received in carload lots, revealed that more than 300 carloads of foodstuffs were shipped to the area in that year from States as far east as Massachusetts and New York and as far in the southeast as Florida. Manufactured goods shipped to the project included automobiles and trucks, tractors, farm machinery and equipment, household furniture, and miscellaneous merchandise from 30 States of the Midwest, the South, and the East.

A check of purchases by typical individual farmers of the Boise and other Idaho projects indicates that approximately 75 percent of their average annual income is expended for the purchase of eastern manufactured articles and products.

* * * * * * *

The diversified character of the shipments in carload lots to the Boise project is illustrative of the market the projects afford. Shipments originating in a few States are cited as examples.

From Michigan 312 carloads of automobiles and trucks were shipped direct by rail, in addition to automotive equipment manufactured in Michigan but shipped to Idaho from California assembly plants, and in addition to that arriving in Idaho in highway caravans. Food processors in Michigan shipped 29 carloads of cereals; and manufacturers of electrical goods, furniture, and household equipment forwarded more than 50 carloads of their products.

Minnesota found a market for 65 carloads of farm supplies, consisting of building material, household equipment, canned goods, cereals, and fresh meats.

From a State as far east as Pennsylvania came 114 carloads, including shipments of lubricating oils and greases, dry groceries and miscellaneous food supplies, electric ranges, steel and steel products, etc.

Automobile and truck assembly plants in Missouri shipped 57 carloads of motor vehicles and more than that number made up of cereals and other foods, building material, and miscellaneous merchandise.

Louisiana and Arkansas each shipped 50 carloads of merchandise, including foodstuffs, furniture, building material, and miscellaneous goods.

Citrus fruits, canned goods, and vegetables in carload lots from Florida were recorded; and from Alabama also came miscellaneous food supplies, furniture, and other material.

Connecticut shipped eight carloads of radios, six carloads of washing machines, and other carloads of hardware and general merchandise.

Kentucky forwarded nearly 100 carloads of miscellaneous merchandise, steel and steel products, and building material.

Food processors of Indiana found a market for 25 carloads of canned goods, corn products, and fresh meats, while industrial plants shipped more than 50 carloads of electric equipment, building material, and miscellaneous merchandise.

The industrial plants and food processors of the eastern section of Nebraska found a market on the Boise project for more than 30 carloads of their products.

Ohio, with its diversified manufacturing developments, supplied 134 carloads of industrial products, including agricultural implements and farm supplies, electric refrigerators, and general household equipment, building material, and miscellaneous merchandise.

Oklahoma's oil refineries shipped more than 50 carloads of gasoline, lubricating oil, and grease.

The diversified agriculture and industries of Texas provided the Boise area with nearly 150 carloads, including 13 of citrus fruits, 55 of miscellaneous food supplies, 40 of miscellaneous merchandise, and 25 of gasoline and lubricating oils.

The outlet for Wisconsin's industrial plants is shown in the forwarding of 140 carloads of agricultural implements, farm supplies, foodstuffs, furniture, and other household equipment, building material, and miscellaneous merchandise.

Sources of supply extend as far to the northeast as Massachusetts which shipped dry groceries, furniture, and building material. New York State provided nearly half a hundred carloads of foodstuffs, building material, and miscellaneous merchandise.

From the South—Mississippi, Alabama, and Tennessee—came food supplies and building material, as well as manufactured articles.

Maryland, North Carolina, Virginia, and West Virginia are included in the list of States forwarding carload lots of industrial products or food supplies to the Boise project.

Mr. THOMAS of Idaho. Mr. President, at present the West is being called upon to assume an added burden as thousands of families made homeless by drought, duststorms, and foreclosure sales in the Middle West are seeking new homes in this region. Fairly reliable estimates show that probably about 15,000 families, comprising an average of four members each, have settled in Idaho since 1934. The addition of 60,000 practically destitute persons to the population of a State which normally has about 460,000 presents a very serious situation.

It is possible to give many of these people a place on the irrigated land of the West. From the broadest national point of view, this is the most economical and most efficient way of caring for as many of these people as possible. Mr. Page, the Commissioner of Reclamation, demonstrated this fact rather conclusively in his testimony before the House Appropriations Committee when he pointed out that during the 1933 to 1936 period per capita relief costs in the drought area were $175, while outside the Dust Bowl relief costs averaged only $58 per capita.

Typical projects—

Says a statement inserted in the House hearings by Mr. Page—

reported relief expenditures in nonirrigated areas three times those in reclamation-project sections.

The importance of reclamation development in the entire West may well be emphasized by an examination of the needs for new construction and additional water in Idaho. This is a matter of tremendous importance to the irrigator, who may be forced to sit helplessly by at the close of a long dry summer and watch the crops which he has so carefully planned and nourished wither and die from lack of moisture. It is of vital importance to this man, because those crops are the means by which he expects to keep his family from going hungry, to keep his children warmly clothed and in school.

That is the man whose cause I plead now, the little irrigator who 8, 10, even 20, years ago accepted a piece of raw land in the belief that the Government-sponsored development would supply him with the moisture needed to make that land productive. Years of labor and toil lie behind this man. They show in fences, ditches, and cultivation. They show in the improvements. Here is the work of a lifetime, the making of a home. This man has fulfilled his part of the contract. He has a right to expect the Government to fulfill its part.

Idaho is one of the States most dependent on irrigation. Large sections of our population subsist on the results, directly and indirectly, of artificial crop moisture. We must have irrigation, and no more beneficial help can be given an Idaho farmer than to provide him with the supplemental water necessary to insure normal crop production year after year.

It is not my purpose to be selfish in this matter, but an examination of the records clearly shows that Idaho has not received her just proportion of the funds allotted to reclamation uses.

Statistics supplied to me by the Bureau of Reclamation show that a total of $299,064,902.84 was expended between March 1933 and June 30, 1939. This sum was spent in 15 States in arid sections of our Nation. Of the total, Idaho received only $6,103,571.19, or actually less than 3 percent. That amount was entirely inadequate to meet the reclamation needs of the State, and is clearly a discrimination against Idaho. I shall do everything within my power to see that this situation is corrected.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the table supplied by the Reclamation Bureau containing the data referred to.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Department of the Interior, Bureau of Reclamation, actual expenditures (cash withdrawals) construction projects (reclamation and power)

State and project	Total, March 1933 to June 30, 1939		Grand total
	Regular appropriations	Emergency funds	
Arizona:			
Gila	$1,881,443.22	$2,345,544.19	$4,226,987.41
Salt River	2,082,999.81	4,016,856.25	6,099,856.06
Yuma		79,355.91	79,355.91
Arizona-Nevada-California: Boulder Canyon Dam and power plant	40,120,755.17	37,999,561.22	78,120,316.39
California:			
All-American Canal	7,045,657.53	19,333,764.40	26,379,421.93
Central Valley	9,839,820.09	5,969,675.82	15,809,495.91
Klamath-Tule Lake	200,141.62	160,000.00	360,141.62
Orland			
Parker Dam power	4,007.14	16,963.71	20,970.85
Colorado:			
Colorado-Big Thompson	1,530,289.95	506,149.32	2,036,439.27
Fruit Grower's Dam		138,474.67	138,474.67
Grand Valley	2,796.53		2,796.53
Pine River	1,099,736.08		1,099,736.08
Uncompahgre		2,205,668.87	2,205,668.87
Idaho:			
Boise drainage	10,113.47	8,955.80	19,069.27
Boise-Arrowrock		626,401.16	626,401.16
Boise-Payette	2,035,285.56	850,000.00	2,885,285.56
Twin Springs Dam	96,093.25		96,093.25
Minidoka-Gooding	40.48	25,454.41	25,494.89
Upper Snake River	225,375.56	2,225,851.50	2,451,227.03
Montana:			
Bitter Root		300,000.00	300,000.00
Buffalo Rapids		1,086,839.66	1,086,839.66
Frenchtown		270,753.80	270,753.80
Milk River		74,885.21	74,885.21
Chain Lakes storage		1,143,264.28	1,143,264.28
Sun River	223,247.33	1,306,954.71	1,530,202.04
Nevada:			
Humboldt		1,187,596.41	1,187,596.41
Truckee River storage		970,425.67	970,425.67
New Mexico:			
Carlsbad	$1,140,328.93	$997,206.45	$2,137,535.38
Rio Grande	274,033.46	282,072.42	556,105.88
Caballo Dam (international)		613,748.08	613,748.08
Caballo Dam (State)		1,472,455.25	1,472,455.25
Tucumcari	70,196.04		70,196.04
Oregon:			
Birch Creek		1,012.41	1,012.41
Burnt River		559,529.75	559,529.75
Deschutes	305,835.61		305,835.61
Klamath (main division)		36,000.00	36,000.00
Owyhee	918,269.65	5,300,000.00	6,218,269.65
Stanfield		98,442.24	98,442.24
Vale		1,283,389.71	1,283,389.71
South Dakota: Belle Fourche	353.53		353.53
Texas: Colorado River	1,701,227.17	10,476,049.19	12,177,276.36
Utah:			
Hyrum		908,758.63	908,758.63
Moon Lake		1,537,033.93	1,537,033.93
Ogden River	18,904.38	3,988,851.46	4,007,755.84
Provo River	612,833.85	1,038,346.44	1,651,180.29
Sanpete		367,789.45	367,789.45
Washington:			
Grand Coulee	38,333,114.78	44,427,598.07	82,760,712.85
Yakima-Kittitas		38,950.88	38,950.88
Yakima-Roza	2,530,266.38	3,071,734.97	5,602,001.35
Yakima-Storage		119,482.51	119,482.51
Wyoming:			
Kendrick	2,017,068.16	13,553,600.88	15,570,669.04
Riverton	523,830.30	992,410.15	1,516,240.45
Shoshone-Heart Mountain	1,207,299.15	1,271,475.13	2,478,774.28
Shoshone-Willwood	9,256.54	49,445.50	58,702.04
Administrative expenses	3,429,930.14	1,778,209.50	5,208,139.64
Subtotal	119,490,550.86	177,112,989.97	296,603,540.83
Investigations and surveys	536,855.25	1,924,506.76	2,461,362.01
Total	120,027,406.11	179,037,496.73	299,064,902.84

Mr. THOMAS of Idaho. Mr. President, the discrimination against Idaho is evident in the current Budget. Last year $60,223,000 was spent for new reclamation development throughout the United States. This year only $44,097,000 was allowed by the Budget Bureau for new construction. Of this sum, Idaho is allotted only $700,000, which is less than 2 percent of the total, and wholly inadequate to carry on the necessary work. Idaho should have at least $3,500,000 additional for supplemental irrigation works this year.

The $700,000 is allotted to work on the Payette division of the Boise project, whereas the Bureau of Reclamation has found that $1,500,000 is necessary adequately to carry on

work on this project. When completed the Payette division of the Boise project will bring water to land that years ago was taken up in homesteads under the Government's implied promise that irrigation would be made available. From $30,000 to $40,000 in revenue will be obtained each year from the sale of electrical power to offset a part of the cost of this project to the settlers.

Approximately $1,000,000, in addition to the reappropriation of the unexpended balance now available, is needed this year for the Arrowrock division of the Boise project. This project is designed to make supplemental water available in the Boise Valley section and remove the constant threat of drought and loss of crops. Diversified farming has made water necessary until late in the growing season, and when water is not available the loss and resulting hardship are tremendous. It has been reliably estimated that lack of an adequate water supply reduces the value of the crop return on this project from $5 to $10 per acre, which means an aggregate annual loss of from one to two million dollars to the farmers.

Approximately $1,000,000 is needed to commence work on the Grand Valley Reservoir on the south fork of the Snake River. This reservoir would permit the storage of water, which is badly needed by farmers now on the land in southeastern Idaho.

According to the estimates of the Idaho Commissioner of Reclamation, approximately $400,000 is needed in Idaho during the fiscal year 1941 for the construction of small reservoirs to make supplemental water available for many small farms which are now suffering from lack of water.

Moreover, about $240,000 is needed in Idaho for general investigation of reclamation projects. The total amount allotted by the Budget Bureau is only $300,000 for investigations in all the States, so it can be readily seen that when the needs of Idaho and other States are considered this appropriation must be raised to at least $1,000,000.

Mr. President, I do not wish to take the time of the Senate for a more complete examination of the needs of Idaho for reclamation development. I have mentioned the various sums needed, however, in order to give a cross section of the situation throughout the entire West. I do not want my position misunderstood. With the present condition of agriculture, furnishing supplemental water is the greatest assistance that can be given to the farmers in the irrigated regions of the West. Water shortages at critical times all too frequently rob farmers of the fruits of their labor and prevent these regions, which have already been developed, from enjoying the prosperity they should have.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the testimony of Representative HENRY C. DWORSHAK, of Idaho, before the House Appropriations Committee, which goes somewhat more into the details of the current needs of the State.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GENERAL INVESTIGATIONS

The item for investigations in the bill under consideration is $300,000. I am sure that this is not a sufficient amount, as I am informed by our Idaho commissioner of reclamation that absolutely necessary work in Idaho for the fiscal year 1941 will cost $240,000. At the present time the Bureau of Reclamation has in progress investigations on the Boise River; however, in order to complete the work and secure the information necessary to plan the most economical and feasible use of available water the investigations must be extended to certain sections of the Snake and Salmon Rivers; $100,000 will be required to finish this particular job and necessary work in other sections of Idaho will cost $140,000. Other States undoubtedly have similar problems, and, if Idaho needs $240,000, certainly $1,000,000 will be a minimum necessary for general investigations work in all reclamation States.

SMALL RESERVOIRS

Idaho has large areas of land now under cultivation that needs supplemental water. I would like to see a substantial appropriation made under provisions of Case-Wheeler Act for construction of small reservoirs. Our Idaho commissioner of reclamation lists 14 projects for consideration under this program, as follows:

Mann Creek Dam, Washington County, Idaho; Little Payette Lake Dam, Valley County, Idaho; Devil Creek Dam, Oneida County, Idaho; Medicine Lodge Creek Dam, Clark County, Idaho; Horse Flat Dam, Washington County, Idaho; Montpelier Creek Dam, Bear Lake County, Idaho; Lost Valley Dam (enlargement) and Hornet Creek Dam, Adams County, Idaho; Mission Creek Dam, Nez Perce County, Idaho; Georgetown Creek Dam, Bear Lake County, Idaho; West Camas Creek Dam, Clark County, Idaho; Cottonwood Creek Dam, Franklin County, Idaho; Bennett Creek Dam, Elmore County, Idaho; Squaw Flat Dam, Washington County, Idaho.

Idaho needs $400,000 for the fiscal year 1941 for construction of small reservoirs.

Mr. Spofford further states:

"I wish to emphasize that the above are minimum requirements and that I further recommend that the following additional amounts be appropriated for construction at the earliest possible date:

Twin spring and/or other site on Boise River	$2,000,000
Cascade Dam and for distribution facilities on Black Canyon	2,000,000
Grand Valley, Upper Snake River	2,000,000

SUMMARY

In conclusion, may I again urge that appropriations be made in the bill under consideration as follows:

Reappropriate the unexpended Twin Springs balance with amendment as suggested making same available at other sites if current investigations indicate a more feasible location on Boise River.

Appropriation for beginning construction on Grand Valley Reservoir on Upper Snake River of not less than $1,000,000.

Appropriation for small reservoir construction which will permit an allotment to Idaho of not less than $400,000.

Increase the item for general investigations to a minimum of $1,000,000.

Teton and Squirrel Meadows development to complete program outlined several years ago.

The above item for construction of the Grand Valley Reservoir is of particular importance, because it embraces to the fullest extent the multiple uses of water on the Upper Snake River, as outlined in the Debler report. For several seasons there has been a wastage of water over Milner Dam approximating 1,000,000 acre-feet annually, while irrigation water is sorely needed to supplement the existing supply and thereby greatly increase the value of the crops. Likewise the flood-control features of this project have been stressed, and there are ample outlets already available for the electric power which can be generated at the dam site. For the past decade action has been delayed on conservation of Upper Snake River water resources, and this project now affords one of the feasible and inexpensive developments with absolute assurance of repayment to the Federal Government.

Mr. Chairman, there is no State where the accomplishments of the Federal reclamation program stand out in justification of its continuance more than in Idaho, and I am here today to urge this committee to include in the Department of the Interior appropriation bill adequate appropriations for providing supplemental water for the Boise and Payette divisions of the Boise project, Idaho, and for privately irrigated areas in upper Snake River Valley.

It is somewhat disturbing to learn that the Budget Bureau did not include allowances for Twin Springs or other construction for storage on Boise River or for the upper Snake River developments, all of which, I feel, should have additional funds.

While the Payette division of the Boise project is not in my district, its speedy completion will be helpful to the State of Idaho.

In reviewing the results of Federal reclamation in Idaho, I have been impressed with the record of the Minidoka project, which lies wholly in my district, and which is one of the oldest operations under the Bureau of Reclamation. It is very interesting to note that more than one-half of the entire cost of construction has been repaid, although nearly a third of the outlay was made on the Gooding division, completed within the past 10 years. One Minidoka district has paid all but 15 percent of its entire construction cost of $2,756,000.

Considering the length of time the Boise project has been on a repayment basis, its record is equally good.

NEED FOR ADDITIONAL LAND

The need for additional irrigated land and for supplemental water for areas already developed has been accentuated by the heavy migrations of farm families from the Great Plains drought areas and other sections of the country. Although thousands of these folk moved on to California, Washington, and Oregon, and others turned southward to Utah, there have remained in Idaho something like 15,000 families, most of whom have an agricultural background.

For a State the size of Idaho, the wave of migrations has created an acute problem. The Bureau of the Census in 1930 reported we had a few less than 28,000 irrigated farms so you can see that the opportunities for settling any considerable number of the new arrivals were limited. The shortage of water in many sections threatened to force abandonment of some irrigated areas and still further reduce the chances for agricultural development.

SUPPLEMENTAL WATER

It should be explained perhaps that the need for supplemental water is due partially to changes in farming practices since most of the projects were constructed. Formerly, the water users raised early crops and were not particularly concerned about late water. Now they have turned to producing sugar beets, fruits, and vegetables and to dairying, which requires fall pasturage. Water requirements are, therefore, spread over a longer period and when the supply begins to fail in midsummer, the farmers are seriously handicapped and their production is cut down.

When it is considered that even with water difficulties the value of crop production on land in Idaho dependent on Federal projects for water runs from $25,000,000 to $30,000,000 a year, the importance of the purchasing power to the country as a whole is

emphasized. Since something like three-fourths of the farmers' income is expended for manufactured goods and processed foodstuffs in the Midwest, East, and South, their money goes to swell the pay rolls of the industrial centers and help the farmers of other sections of the country.

Idaho's problems are common to the other Intermountain and the Pacific Coast States. Advancement of the Federal reclamation program offers a solution that has long been postponed.

Idaho's urgent reclamation needs for the fiscal year 1941 are very clearly and conservatively stated by our own Idaho commissioner of reclamation, Mr. James Spofford, in a letter to me dated February 1, 1940, and which I quote as follows:

"Reappropriation of the unexpended balance of 1939 Twin Springs item and also the making of same available for construction also at any similar site on the Boise River should investigations now in progress indicate a more suitable site has been found.

"Payette division, Boise project, Budget Bureau recommendation, $700,000. Bureau will need a minimum of not less than $1,200,000.

"Grand Valley Dam, Upper Snake River, for beginning construction of supplemental storage for Upper Snake River water users, $1,000,000."

Mr. THOMAS of Idaho. Mr. President, I also ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a number of letters and excerpts from letters which I have received from individuals and groups in my State who are vitally interested in reclamation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the letters will be printed in the RECORD.

(See Exhibit 1.)

Mr. THOMAS of Idaho. Mr. President, in conclusion, I should like to say a few words about the cost of reclamation.

Many people concede the value of reclamation, but tell us that the cost is prohibitive. These people overlook a very important fact. The irrigation and reclamation development in connection with these projects is, in the strictest sense, self-liquidating. Every dollar will be repaid.

In asking for funds to provide adequate water for these reclaimed areas, the people of the West are asking not for charity but for an opportunity to enjoy the prosperity to which they are rightfully entitled by their labors. The Budget Bureau this year allotted $44,000,000 for reclamation construction. The most reliable figures available indicate that the cost of a single modern battleship is more than $100,000,000. The admirals speak glibly in terms of billions for naval construction. Certainly the people of the West are not being unreasonable when they ask for a sum equivalent to one battleship a year. An appropriation of $100,000,000 a year for reclamation would eventually return to the Federal Treasury, but the prosperous farming communities made possible by the use of this money would continue to grow.

To make it possible for farmers to obtain more adequate income, to give homes to those dispossessed by drought, dust storms, and foreclosures is as real a defense of democracy as that provided by battleships and 16-inch guns.

EXHIBIT 1

SOUTHWESTERN IDAHO WATER CONSERVATION PROJECT, INC.,
Boise, Idaho, April 1, 1940.

Hon. JOHN THOMAS,
United States Senator, Senate Office Building, Washington, D. C.

MY DEAR SENATOR THOMAS: I know you have been advised as to the plans and purposes of the southwestern Idaho water-conservation project. It is an effort on behalf of the farmers in southwestern Idaho to correct a wrong under which they have suffered for many years due to lack of sufficient water to properly irrigate the lands under the Government projects, as well as under some of the old private projects in this section. I have for upward of 30 years owned some 500 acres of irrigated land in this section, and I know from actual experience the losses that have been sustained through an insufficient water supply. It is estimated that this part of the State has suffered aggregate losses approximating $20,000,000, due to the shortage of water. When the Arrowrock Reservoir was constructed, the landowners were led to believe that it would furnish an ample supplemental water supply for all the lands in the Boise project. Much of the land was acquired upon such report and with the understanding that the water supply would be ample. There is every reason why the Government should do its full share to rectify a situation in which it has had an important part. I feel keenly that if the shortage had been due to an erroneous estimate by private parties, the Government would have taken notice of the situation before this.

Notwithstanding the shortage of water and the losses that the farmers have had to bear, they have done amazingly well in paying back the charges of the Reclamation Service for the construction of the Government projects. We have a right to be proud of the record they have made.

One of the things this section needs now is an appropriation for a comprehensive survey of the storage facilities for supplemental water. There should be an appropriation of perhaps half a million dollars for this work. What is not needed will, of course, not be spent. I have attended many meetings of the farmers and businessmen of this section, and I know how keenly they feel they have not received the attention or consideration they should have in appropriations for such investigation.

No doubt Mr. Rising, who represents this association in Washington, has contacted you and discussed this matter with you in person. I feel sure that you will give this your earnest consideration.

Very truly yours,

OLIVER O. HAGA, *Director.*

F. W. JARVIS, ATTORNEY AND COUNSELOR,
Caldwell, Idaho, March 23, 1940.

Hon. JOHN THOMAS,
Senator from Idaho, Washington, D. C.

DEAR SENATOR THOMAS: The board of directors of the Black Canyon Irrigation District, the residents of the Black Canyon Irrigation District, and myself are greatly disturbed by the present press reports, which state that funds for reclamation will be greatly curtailed.

As you know, the Black Canyon project is partially completed, and, in our opinion, it would be a great injustice at this time to curtail funds for the completion of the project, and particularly the Cascade Dam.

The project covers approximately 50,000 acres. The main canal for this project is entirely completed, and out of the 50,000 acres, 26,000 acres are under the gravity system and on which water will be available at the present time. However, there will not be sufficient water on this land for the entire irrigation season without supplemental water. The Government to date has spent approximately $3,200,000 on the work so far, meaning that this project is approximately half finished. There will be 24,000 acres in the project that will be under the pump unit and which will rely entirely on its source of water from the Cascade Dam.

As you probably know, hundreds of families from the Dust Bowl are in Idaho, waiting for an opportunity to secure a few acres of irrigated land for the purpose of rehabitating themselves. It is, therefore, necessary that the appropriation of $700,000 for the Boise project be substantially increased so that the work can commence on the Cascade Dam.

The board of directors of the Black Canyon irrigation district, the settlers in the project, and myself are looking to you and are depending upon you to see that the Cascade Dam appropriation will be substantially increased to insure an early completion of the project, and we trust that you will succeed in obtaining this additional appropriation.

If I can be of any assistance in any way, please do not hesitate to write me.

Yours very truly,

(Signed) F. W. JARVIS,
Attorney, Black Canyon Irrigation District.

THE IDAHO COMMONER,
Idaho Falls, Idaho, January 27, 1940.

Senator JOHN THOMAS,
Gooding, Idaho.

DEAR SENATOR: Congratulations! I am glad that you have determined to resume your services to the Republican Party and the State of Idaho. We need more men in public office today who have the ability to keep their feet on the ground and know where they are going. I am sure you measure up to this opportunity and responsibility.

* * * * * * *

As you are probably aware, the South Fork Reservoir project has made substantial progress the past year and seems now to have the blessings of the Reclamation Bureau. It is generally believed that a little aggressive action on the part of the Idaho congressional delegation will insure the early construction of this reservoir.

Despite unusually heavy January precipitation this year, the water outlook for the 1940 season is not bright. Latest watershed reports indicate probable 1940 run-off to be about 50 percent normal, dependent, of course, on our late-season storms. The situation, however, is serious enough that it is causing some concern. It is entirely possible that the 1940 irrigation experience in the Snake River Valley will be such as to justify immediate construction of the South Fork Reservoir. I am informed that approximately 3,000,000 acre-feet of water has gone to waste over the Milner Dam the past 3 years. Today, if the South Fork Reservoir had been constructed, it would be full and provide the entire valley with adequate insurance against a possible 1940 water shortage.

* * * * * * *

With kindest regards, I am,
Yours sincerely,

ADEN HYDE.

RESOLUTION ADOPTED BY THE WATER MEETING OF THE SNAKE RIVER WATER USERS HELD AT IDAHO FALLS MARCH 4, 1940

Whereas the United States Bureau of Reclamation has recommended the proposed Grand Valley Reservoir feature of the upper

Snake River project as a feasible site for the construction of a reservoir of 1,300,000 acre-feet capacity and has proposed an equitable plan for distribution of the estimated cost among power, flood-control, and irrigation interests, and

Whereas applications for storage space in excess of the reservoir capacity have already been received and power interests have agreed to sign contracts for the power output at the rates and terms suggested by the Bureau of Reclamation, and

Whereas there is urgent need in southern Idaho for the power, reserve-water supplies, and flood-control protection to be made available by this proposed reservoir: Therefore be it

Resolved, That we extend our thanks to the members of the Idaho congressional delegation for their efforts to secure congressional authorization for this project, and urge them to continue same until said authorization is secured.

FIRST NATIONAL BANK,
Caldwell, Idaho, April 3, 1940.

Hon. JOHN THOMAS,
United States Senator, Washington, D. C.

DEAR JACK: I have recently been appointed a director of the Western Idaho Water Conservation Project, Inc.

It is gratifying to receive the many reports from Washington telling of the excellent work being done by our Congressmen and Senators in the interests of our reclamation program. Such concerted action cannot fail to bring about the desired results.

There is a growing realization throughout southwestern Idaho that our most pressing need is for funds to carry forward a complete, coordinated engineering survey as to the specific engineering requirements of all projects lying within our area.

While the feasibility of the program seeking to utilize all of our water and power resources is known to the Department of Reclamation and the Army engineers, engineering data upon which construction plans must be based are needed immediately.

I feel sure you will not overlook any opportunity to help along this good work.

Sincerely,

(Signed) C. L. MILLER.

LEWISTON, IDAHO, *March 19, 1940.*

Hon. JOHN THOMAS,
United States Senator, Washington, D. C.

HONORABLE SIR: Being one of the property owners of Lewiston orchard irrigation district, I am writing you, asking that you make every available effort possible to have the reclamation survey of the Lewiston orchards district. I believe this would be a great benefit to both people and the State. We do not have enough water here, and if there were plenty of water some of the people on relief would be self-supporting. I believe if this district were enlarged it would be more economically operated, giving us cheaper water rates.

Yours truly,

WILLARD ROSS.

SAFETY IN THE AIR

Mr. AUSTIN. Mr. President, the last crash of an air liner since the Air Safety Board and the Civil Aeronautics Authority took over the business of regulating travel in the air occurred 13 months ago, namely, on March 26, 1939. In that particular crash 12 persons were involved; 8 of them were burned to death or otherwise lost their lives, 4 were thrown clear when the plane struck the ground, but all were injured. The pilot is still convalescing, and unless marked improvement takes place shortly one of his legs will have to be amputated.

The Air Safety Board made an immediate investigation, which revealed, among other things, that the plane was not equipped with the latest and safest type of propellers, commonly referred to as the full-feathering type. This new type of propeller is controllable from the pilot's cockpit; and when something goes wrong with a motor, the pilot, in the flash of a second, can by touching a control in the cockpit turn the blades parallel to the line of flight of the plane. This has two immediate effects: First, it stops the propeller on the disabled engine from rotating and brings all moving parts of the crippled motor to a standstill, thereby eliminating the terrific vibration which usually develops under such conditions when the aircraft is equipped with the older type two-position or constant-speed propellers. Such vibration has on several occasions resulted in loss of control of the airplane, further structural failures, and in some cases fire in the air.

Second, when the propeller is feathered, head resistance is reduced to a minimum, and the performance of the airplane with one engine dead is greatly increased.

The Air Safety Board not only found that the airplane involved in the accident referred to was not equipped with the safest type of propeller but that the propeller-control mechanism for the type of propeller employed was obsolete and inadequate, under the circumstances, to meet safety requirements. If the airplane involved in the accident had been equipped with full-feathering propellers, there could be no reasonable doubt that the accident would never have occurred.

How many crashes have been caused for the same reason is, of course, unknown but it is felt that the number is substantial.

Immediately after investigating the crash in question the Air Safety Board recommended to the Authority that it require all air liners to be equipped with full-feathering propellers. This was done, and it is one concrete example of what has been done to make air travel safe. There are many others, some of which I hope at some later time to be able to call to the attention of the Senate.

Mr. President, I have read nearly according to the text a paragraph from a letter received by me today from the Air Line Pilots Association, signed by David L. Bencke, president. I ask unanimous consent to insert the entire letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AIR LINE PILOTS ASSOCIATION,
Chicago, April 24, 1940.

Hon. WARREN R. AUSTIN,
United States Senate, Washington, D. C.

DEAR SENATOR AUSTIN: On April 16 I wrote you voicing the unanimous protest of the men at the controls of the Nation's air liners against Reorganization Plan No. IV calling for the abolishment of the Air Safety Board and the new Air Authority, and placing the independent duties of the entire C. A. A. back under the Department of Commerce.

In this letter the pilots pointed out that during the years that civil aeronautics and air transportation were regulated by the Department of Commerce 473 lives were lost in air crashes, of which number 146 were line pilots. We contrasted this with a world's safety record of no air-passenger fatalities in this country for 12 months and no pilots killed for 16 months. By the time you receive this letter the record will be no passenger fatalities in 13 months and no pilot fatalities in 17 months. This adds new emphasis to the argument, Why not leave well enough alone?

In view of the fact that Reorganization Plan No. IV calls for the abolishment of the Air Safety Board the question naturally arises, What has this agency done since assuming its independent duties of investigating crashes and making air-safety recommendations to prevent recurrences? In a little more than a year and one-half the record shows that the Board has investigated 2,947 air crashes, the large majority of which occurred in so-called miscellaneous flying not on the air lines, 268 of which resulted in fatalities. As a result of these investigations the Air Safety Board has transmitted 115 air-safety recommendations to the Authority, pointing out what should be done to prevent recurrences. This will give you an idea of the amount of work that has been accomplished by the Air Safety Board in a remarkably short period of time, in addition to all the other work of getting organized under the new law, and so forth.

Obviously it would be impossible to describe all of the air-safety recommendations that have been made, but I would like to tell you about just one so you will have an idea as to just how important the work of this Board is to the preservation of human life in air travel. On March 26, 1939, a crash occurred on one of the air lines which, incidentally, was the last crash since the Air Safety Board and the new Authority took over that resulted in loss of life either to passengers or crew. Twelve persons were on board this ill-fated air liner. Eight were killed outright or burned to death in the wreckage. Four were thrown clear when the plane struck the ground. All were injured. The pilot is still convalescing, and unless a marked improvement takes place shortly, one of his legs will have to be amputated. The Air Safety Board made an immediate investigation which revealed, among other things, that the plane was not equipped with the latest, safest type of propellers, commonly referred to as the full-feathering type. This new type of propeller is controllable from the pilot's cockpit, and when something goes wrong with a motor the pilot in a flash of a second can, by touching a control in the cockpit, turn the blades parallel to the line of flight of the plane. This has two immediate effects: First, it stops the propeller on the disabled engine from rotating, bringing all moving parts of the crippled motor to a standstill and thereby eliminating the terrific vibration which usually develops under such conditions when the aircraft is equipped with the older type two-position or constant-speed propellers. This vibration has on several occasions resulted in loss of control of the airplane, further structural failures, and in some cases fire in the air. Second, when a propeller is feathered, head resistance is reduced to a minimum, and the performance of the airplane with one engine dead is greatly increased. The Air Safety Board not only found that the airplane involved in this accident was not equipped with the safest type propeller, but that the propeller-control mechanism for the type propeller employed was obsolete and inadequate to

meet safety requirements under the circumstances. If the airplane involved in the accident I have just described had been equipped with full-feathering propellers, there can be no reasonable doubt that the accident would never have occurred.

Just how many crashes have been caused for the same reason is, of course, unknown, but it is felt that the number is quite substantial. Immediately after investigating the crash in question the Air Safety Board recommended to the Authority that it require all air liners to be equipped with full-feathering propellers. This is just one concrete example of what has been done to make air travel safe. There are many others.

It is argued that abolishing the Air Safety Board would save a few top salaries. What these savings really amount to are the salaries of the Air Safety Board members. There are three, and they receive $7,500 a year each, making a total of $22,500 annually. Assuming that this amount is saved is an error, because if Reorganization Plan No. IV is approved, someone connected with the Federal Government must still investigate accidents, and they must be paid, so, in reality, the savings are really zero unless a much lower type of personnel is used for this highly important work of preserving human life, which certainly would not be wise.

Let us contrast this with what air crashes have cost the air lines and the Federal Government during the period from the late twenties to 1938, when the Air Safety Board and the new Authority took over. It costs the Federal Government, because air transportation is a subsidized industry, and in the final analysis this subsidy which comes from the public fluctuates with the earning power of the industry. During the period the Department of Commerce controlled air transportation and civil flying there were 130 fatal air-line accidents. It is well known that the cost of one air-line accident is, conservatively, $150,000 to $250,000, representing the loss of equipment and the cost of damage suits, death and injury claims, etc., to say nothing of many more thousands of dollars lost because of loss of patronage resulting in the fact that a crash-scared public does not patronize air travel. This has been proven. We have only to multiply the cost of one crash, which we will conservatively estimate at $200,000, by 130, the total number of fatal air-line crashes during the period that the Department of Commerce controlled air transportation, to give us the startling figure of $26,000,000. Properly to evaluate the situation there must be added to this figure the amount of money lost in patronage to the air lines due to the public being afraid to ride during the period that the Department of Commerce regulated air transportation. Of course, it is not possible to estimate what this figure really is, but obviously it amounts to a staggering sum.

Safety is the axis around which everything vital to the success of air travel revolves. People were not born with wings, but they have learned to use them, and the extent to which this use will reach is limitless, depending only on one factor, and that is the safety factor. People have traveled on the surface of the earth and on water since the beginning of time. To get them to take to the air depends entirely on the psychology of self-preservation which is again the one and same thing—safety. The ultimate question, as far as the public is concerned, is: Is it safe? This question must be answered conclusively in the affirmative and stay answered if air travel is to succeed.

When Congress created the Air Safety Board and the new Air Authority it had a two-fold effect. First, it destroyed the psychology of fear of air travel on the part of the public. Second, it replaced this fear with confidence in the safety of air travel.

The history of politically involved and perfunctory control of air transportation under the Department of Commerce is well known. The startling number of terrible crashes that occurred during this period involved the loss of thousands upon thousands of dollars and 473 lives. The price of present safety standards has been high. It must not be in vain. We must go forward. It is a question that is vital and far-reaching to the Nation, and it is vital to the Nation's defense because the best security that our people can have as a reserve to our air-fighting force is an extensive, highly developed, and well-patronized air transportation network. The record since the Air Safety Board and the Authority took over under the Civil Aeronautics Act of 1938 definitely proves this can be done. We must not go back to the old order.

Nearly all of us fly and, therefore, this is not only the problem of the pilots but the problem of all of us as well.

Briefly, this is once more a fight to save an industry and to save human life.

Again, the pilots that fly on the most extensive civil air network in the world earnestly and respectfully appeal to you for your support to set aside the President's proposal to abolish the Air Safety Board and the new Air Authority.

Respectfully,

AIR LINE PILOTS ASSOCIATION,
DAVID L. BEHNCKE, *President*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MANSFIELD, Mr. GAVAGAN, Mr. DEROUEN, Mr. SEGER, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 437) authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship.

The message further announced that the House of Representatives having proceeded to reconsider the bill (H. R. 6901) granting increase of pensions to certain widows of veterans of the Civil War, returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

DEPARTMENT OF LABOR—FEDERAL SECURITY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 9007) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes.

Mr. McKELLAR. Mr. President, I offer an amendment which is made necessary by reason of the transfer of funds from the W. P. A. to this particular activity.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 50, line 15, before the period, it is proposed to insert a colon and the following:

Provided further, That for carrying out the purposes of this paragraph there shall be made available to the United States Employees' Compensation Commission from the appropriation in such paragraph 1 the sum of $100,000, or so much thereof as such Commission, with the approval of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for such purposes.

Mr. McKELLAR. I may explain that no additional money is involved in the amendment.

Mr. LODGE. Mr. President, I inquire what is the purpose of the amendment?

Mr. McKELLAR. The purpose of the proviso is to permit certain claims for injuries to be paid out of funds herein appropriated. There was no provision made for that in the bill, and, as the Senator knows, last year all this activity was under the W. P. A. The amendment is designed merely to permit the use of money which has already been appropriated. There is no additional money involved.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

Mr. SCHWELLENBACH. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 48, line 18, after the figure "2", it is proposed to strike out the remainder of the paragraph down to and including line 21 and insert a period after the figure "2."

Mr. SCHWELLENBACH. Mr. President, the language which I am seeking to strike out reads as follows:

And such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939.

That provision is found in the part of the bill referring to the National Youth Administration. Its effect would be, if Congress should adopt the bill which is now before the Committee on Civil Service, popularly known as the Ramspeck bill, to make it very doubtful whether those portions of the bill which refer to the administrative staff of the National Youth Administration would be effective during the next fiscal year.

The question was considered in the other House and the Member of the House in charge of the bill took the position that if the Ramspeck bill should pass it would eliminate this

provision of the pending appropriation bill. It is my opinion that that is a very doubtful question. The provision is nothing more than a limitation upon the appropriation, and, if the Congress should pass the Ramspeck bill and the particular incumbents should, under the Ramspeck bill, become eligible for the civil service, certainly they could not, if we should permit this phrase to remain in this bill, receive any compensation during the fiscal year for which the appropriation is made.

I ask the Senator from Tennessee if the matter cannot be taken to conference and discussed from that point of view. I do not know what is the status of the Ramspeck bill; I do not know whether the committee will report it favorably or unfavorably or what changes they may make. I know, however, that they completed hearings a few days ago.

It seems to me, if the Congress is likely to adopt legislation which would make these employees eligible for the civil service, that it would not be correct at this time, with the matter pending before one of the committees of the Senate, to include this provision in the appropriation bill. I think that the matter should be discussed in conference with the Representative from the House who took the position that it would be eliminated by the passage of the Ramspeck bill. I do not agree with that conclusion, I may say.

Mr. McKELLAR. Mr. President, the House considered this matter very carefully, and did not desire to anticipate the passage of the Ramspeck bill. I think the position of the House is correct. I do not think we ought to anticipate the blanketing into the civil service of these temporary employees. I think it would be exceedingly unwise in the case of a temporary service of this kind, which merely exists from year to year and which may not be in existence by the time the Ramspeck bill is passed, if it should be passed, to strike from the pending bill the provision in question. For that reason, I hope the amendment will not be adopted.

Mr. SCHWELLENBACH. May I call the attention of the Senator from Tennessee to the statement made on the floor of the House on March 28?

Mr. McKELLAR. I remember that statement, and a similar statement was made before the Committee on Appropriations of the Senate, but after careful examination the committee declined to adopt the amendment suggested.

Mr. LODGE. Mr. President, is it not true that if the bill passes in its present form, that matter will be in conference, anyway?

Mr. McKELLAR. It will be.

Mr. SCHWELLENBACH. Mr. President, a parliamentary inquiry. I should like to make inquiry as to how that situation could exist?

Mr. McKELLAR. I think I am mistaken about it. No; this paragraph will not be in conference.

Mr. LODGE. It is my understanding that in the House bill the words which the Senator from Washington seeks to strike out were stricken out.

Mr. SCHWELLENBACH. No; that is not correct.

Mr. McKELLAR. No; the words were retained in the House bill, but the Senator from Massachusetts, who is a member of the committee, will recall that this whole matter was discussed in the committee, and my recollection is that the committee unanimously refused to strike out any portion of the language. The striking out of the language would be virtually in anticipation that the Ramspeck bill would become the law at this session of Congress. It may or may not become the law; I am not advised as to that; I do not know what the situation is in regard to that bill; but certainly I do not think in considering an appropriation bill we should assume that the Congress will pass a bill which would put several hundred thousand, as I remember the number, of temporary employees permanently into the civil service.

Mr. LODGE. Mr. President——

Mr. SCHWELLENBACH. I yield to the Senator from Massachusetts.

Mr. LODGE. I appreciate the courtesy of the Senator from Washington.

It is my understanding that the statement of the Senator from Tennessee is entirely correct. The action was taken unanimously in the subcommittee, on the ground that it was not advisable to anticipate any action which might take place in the future.

Mr. MEAD. Mr. President——

Mr. SCHWELLENBACH. I yield to the Senator from New York.

Mr. MEAD. I merely wish to make the observation that the Committee on the Civil Service has concluded hearings on the Ramspeck bill, and will shortly go into executive session for the consideration of that bill. What the determination will be, when the bill will be reported, I do not know; but the committee is diligently progressing in the consideration of the bill.

Mr. SCHWELLENBACH. Mr. President, the Senator from Tennessee has said that to take the action which my amendment suggests would be anticipating certain action by the Congress on the Ramspeck bill. That is just the opposite of the situation. To take the action which is included in this bill, in the language which I am asking to strike out, is to anticipate a situation.

If the Congress does not pass the Ramspeck bill, then there will be no necessity for this language in the pending bill. If the Congress does pass the Ramspeck bill, and if it includes provision for civil-service status for these employees of the National Youth Administration, then we are in this appropriation anticipating a situation, and depriving these persons of an opportunity to receive compensation if they go under civil-service status.

I should like to call attention to what was said about it.

On March 28, contained on page 5506 of the CONGRESSIONAL RECORD of this session, the following statement was made by Mr. TARVER:

> Now, with regard to the legislative situation, if the Ramspeck bill passes the Senate and is approved by the President after the passage of this appropriation bill, the Ramspeck bill, whatever its provisions may be, will take precedence over the provisions of this bill.

That is the point on which I am in disagreement with the gentlemen of the House and in disagreement with the Senator from Tennessee, because we have a distinct limitation upon an appropriation bill; and if we include this limitation, then the passage of the Ramspeck bill so far as these employees during the coming fiscal year are concerned would be an utterly futile act.

I think the amendment should be accepted by the Senator and taken to conference, and discussed from that point of view in the conference.

Mr. DANAHER. Mr. President, in view of all the references that have been made to the civil service, and to the Ramspeck bill, and to the amendment under consideration, it may be that this is a fitting and proper time for me to call to the attention of the Senate the operations under existing law in certain particulars.

I had previously notified my distinguished colleague [Mr. MALONEY] that I was opposed to the nomination of a gentleman named Allan Measom to be postmaster in Southport, Conn. I had also notified the distinguished senior Senator from Tennessee [Mr. McKELLAR] that I should want to appear before the Committee on Post Offices and Post Roads with reference to the matter.

About the 10th of August 1939, a Bridgeport, Conn., newspaper carried the story that my distinguished colleague had asked that the Civil Service Commission call for another examination to fill the vacancy in the office of postmaster in the Southport, Conn., post office.

Mr. President, such an examination was held. It was either the fifth or the sixth such examination in as many years. As a result of the last examination, a gentleman named Mr. Henry B. MacQuarrie stood highest. He received from the Civil Service Commission a grade of 82.78 percent. The fact that Mr. MacQuarrie stood highest in that particular examination would be of scant significance if it were not for the fact that not only had he stood highest in every preceding examination since 1933, but there were times when he was the only man to pass the examination.

It seemed so singular that such a man as Mr. MacQuarrie, who had been appointed postmaster in 1929 and had served with credit to himself until 1933, was not appointed, that I wrote to the Civil Service Commission for the purpose of ascertaining the facts.

Under date of August 18, 1939, I addressed this letter to the Civil Service Commission:

AUGUST 18, 1939.

UNITED STATES CIVIL SERVICE COMMISSION,
Seventh and F Streets NW., Washington, D. C.

GENTLEMEN: I enclose herewith copy of a letter sent me by Attorney Ned E. Ostmark concerning the postmastership at the Southport post office in Fairfield, Conn. I shall personally appreciate an explanation. If the facts stated in the enclosed copy are true, I should like to know how the same is possible and under what regulations the procedure is authorized. Thank you for your courtesy and cooperation.

Faithfully yours,

JOHN A. DANAHER.

At the same time I addressed an identical letter to Mr. Farley as Postmaster General. Since the letter is in identical terms, I will not include it in the RECORD at this point. However, it was important, it seemed to me, that the matter be submitted fairly and squarely to both departments affected, chiefly for the reason that the replies become of interest.

I received a reply first from the Postmaster General's office. Under date of August 24, 1939, there came this letter:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, August 24, 1939.

HON. JOHN A. DANAHER,
United States Senate.

MY DEAR SENATOR DANAHER: In the absence of the Postmaster General, I wish to acknowledge the receipt of your letter of August 18, 1939, transmitting a copy of a communication addressed to you by Mr. Ned E. Ostmark, chairman of the Republican Town Committee of Fairfield, and written in behalf of Henry B. MacQuarrie, an applicant for the postmastership at Southport, Conn.

The statements contained therein have been carefully noted, but I feel I should advise you that the register established as the result of an examination held in February 1937 is no longer available in view of the new law extending the classified civil service to include first-, second-, and third-class postmasters.

An open competitive examination was conducted in November 1938 in accordance with the provisions of the act of June 25, 1938, but an incomplete register was certified.

It was incomplete, let me interpolate, apparently on the ground that Mr. MacQuarrie, a Republican, was the only one to pass.

At any rate, the letter continues:

As the Department desires to make a selection from a complete register the Civil Service Commission was requested to announce a second open competitive examination. Mr. MacQuarrie is free to participate therein, or if he does not desire to do so, the rating obtained by him in the examination held in November 1938 will be used by the Civil Service Commission in making up the new register.

Sincerely yours,

W. W. HOWES,
First Assistant Postmaster General.

The press recently informed us that Mr. Howes has resigned his position to enter the campaign of 1940 in behalf, I understand, of a certain distinguished Postmaster General. Whether or not that is true, I cannot say; but when he speaks in this letter about the Department desiring a complete register, let me point out that the second examination was held, and that in that examination only two candidates passed, and that they still have not a complete register; notwithstanding which on the 15th of April 1940, the Postmaster General sent to the Senate the nomination of Mr. Allan Measom to be postmaster at Southport.

But let me continue.

Perhaps the most illuminating item in this more or less interesting matter is the letter of the Civil Service Commission dated August 24, 1939, addressed to me in reply to my letter of August 18:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 24, 1939.

HON. JOHN A. DANAHER,
United States Senate.

DEAR SENATOR DANAHER: The Commission has your letter of August 18 relative to the matter of filling the vacancy in the position of postmaster at Southport, Conn., an office of the second class.

In order that you may have a full understanding of the circumstances surrounding the failure of Mr. Henry B. MacQuarrie to receive appointment as postmaster, there is outlined below a history of the former examinations, as well as the last examination of November 19, 1938, held for that position.

A competitive examination was held on October 10, 1933, for the position of second-class postmaster at Southport, Conn., under the provisions of the Executive order of July 12, 1933, which at that time governed the appointment of Presidential postmasters. That order provided for the certification of the names of not less than three eligibles—

Not less than three, Mr. President—

if as many as three could be obtained, to the Postmaster General, who might make selection of one of the highest three for appointment to fill the vacancy. Only two eligibles were obtained as a result of the examination for postmaster at Southport, Mr. Henry B. MacQuarrie and Mr. William H. Russell. The Post Office Department, in accordance with its right of choice, selected Mr. Russell for appointment, and he was appointed February 15, 1934. Upon his death on November 11, 1936, Miss Katherine Russell was appointed acting postmaster at Southport, Conn., effective November 26, 1936.

An act of March 1, 1921, provides the circumstances under which acting postmasters may be appointed and places the authority for the appointment in the Postmaster General exclusively. The act provides specifically: "Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President * * *." (39 U. S. C. 39.)

The Post Office Department, following the appointment of Miss Russell as acting postmaster, requested the holding of an open competitive examination for filling the vacancy in the position of postmaster at Southport, Conn., under the provisions of the Executive order of July 20, 1936, which superseded the 1933 order referred to above. An examination was held on February 9, 1937, for the position of postmaster at Southport under the terms of the later Executive order, which provided that only the person receiving the highest eligible rating could be considered for appointment. Mr. Henry B. MacQuarrie was rated the most highly qualified candidate in the examination, and his name was certified to the Post Office Department on April 19, 1937, for consideration for appointment.

Mr. President, would not one think that at that stage of the case, on the record thus established, and under the law as it then existed, and under the Executive orders to which I have referred, and to which the Commission referred, Mr. MacQuarrie would have received the appointment? Knowing how interested we are in the civil service and in the maintenance of competent, qualified persons in office, in order that they may render better and more efficient service to our people, sadly I remark, Mr. MacQuarrie was not appointed. The letter continues:

Under the Executive orders referred to above, the positions of Presidential postmasters were not in the classified civil service, and the Commission's only duties in connection with appointments were to hold examinations at the request of the Postmaster General and transmit to the Post Office Department a list of persons found to be qualified. If the Department had used the list certified on April 19, 1937, for filling the postmaster vacancy at Southport, Conn., Mr. MacQuarrie would, of course, have been the one nominated for appointment. However, there is nothing in the regulations which required that the Department discontinue the services of the acting postmaster and make appointment from the list submitted, and the Department chose to continue the acting postmaster at Southport in office.

Let me interpolate at that point that if the acting postmaster had been qualified, if the acting postmaster could have gotten on the list, there might have been some justification for the action, but the acting postmaster could not pass the examination; so let us follow along with the letter, and see what happened next:

No action was taken on the certificate submitted as a result of the 1937 examination for the position of postmaster at Southport, Conn., prior to the enactment of the act of Congress approved June 25, 1938, which placed Presidential postmaster positions within the classified civil service and which became effective the date of its approval. Of course, the passage of that act had the effect of completely nullifying any lists of eligibles that had been established as the result of the examinations held under the Executive orders, from which appointments had not been made. Therefore, in those cases where no person was nominated by the President and confirmed by the Senate prior to the effective date of this new postmaster law, it became necessary to fill the vacancy in the position of Presidential postmaster through one of the methods provided for in the law.

The Post Office Department elected to fill the vacancy in the position of postmaster at Southport, Conn., through open competitive examination, under the provisions of the new postmaster legislation. The examination was duly announced and held on November 19, 1938. Of the seven applications filed in this

examination, three were canceled for failure to meet the residence requirements, and four persons were admitted to the examination, including Mr. MacQuarrie and Miss Russell. Two of these four failed to comply with the minimum requirements for eligibility as to business experience and general qualifications. Mr. MacQuarrie and Miss Russell were given eligible ratings on the second subject of the examination—education, and business (or professional) experience, qualifications, and suitability. Mr. MacQuarrie attained an eligible general average on his entire examination, but Miss Russell failed to attain eligibility because of the relatively low marks attained on the first subject of her examination, written tests. Mr. MacQuarrie's name was certified to the Post Office Department on June 9, 1939, as the only eligible in this examination.

Mr. President, we have gotten down to 1939, and still Mr. MacQuarrie heads the list, in fact, is the only one who passed the examination. But is Mr. MacQuarrie the postmaster at Southport? Oh, no. The letter continues:

Under the provisions of the act previously referred to, appointments to the positions of Presidential postmasters are made in the same manner as appointments to all other positions subject to the civil-service law and rules with the exception that the appointee must be nominated by the President and confirmed by the Senate. Under civil-service rules, the names of the highest three eligibles on a register are certified for filling a vacancy, and the appointing power may select any one of the three for appointment. In the event less than three eligibles are obtained in an examination for first-, second-, or third-class postmaster, the Post Office Department may appoint any one of the eligibles certified, or it may request another examination for the purpose of obtaining a full list of eligibles, or it may fill the vacancy through one of the other methods provided for in the act of Congress approved June 25, 1938, governing the appointment of Presidential postmasters.

On August 1, 1939, the Post Office Department returned the certificate submitted on June 9 for the position of postmaster at Southport, Conn., and requested that a full list of three names be submitted for selection for appointment to that position. It has not as yet been possible to announce a new examination, in compliance with the Department's request.

By direction of the Commission.

Very respectfully,

WILLIAM C. HULL,
Executive Assistant.

Mr. President, let me point out that Mr. Hull informed me that the Post Office Department had requested that a full list of three names be submitted. Notwithstanding that request, a list of three names was not submitted. There were only two applicants who passed. But by this time, 6 years and a half later, the Democrat had finally passed the examination. The net result is that Mr. MacQuarrie, with his grade of 82.78, notwithstanding Mr. Russell had finally passed and had a grade of 76.25 on the list of February 1940, we find that Mr. MacQuarrie again has been passed by, and Mr. Measom's name is on the list of those to be appointed.

Mr. President, it seemed to me that perhaps the President of the United States had no idea what Mr. Farley, the Postmaster General, might be doing as Mr. Farley, chairman of the Democratic National Committee. It seemed to me no more than right that we should ascertain exactly where this situation was taking us. So, under date of August 23, 1939, I wrote to the President, at the White House, in Washington. I thought it would be proper to acquaint him with the facts in my possession, but, above all, to give him the sources to which he could turn in order to ascertain the truth. Therefore I wrote him this letter:

AUGUST 23, 1939.

THE PRESIDENT,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: I have received a letter from Attorney Ned E. Ostmark, of Fairfield, Conn., who reports a series of facts which, I believe, should be called to your attention. I feel that the course which has been followed is ideally adapted to create misunderstanding and even suspicion of the operations of the civil service, and that you will share with me a feeling that an explanation might properly be requested by you.

The facts reported to me follow: From 1929 to 1933 one Henry B. MacQuarrie was postmaster of the Southport post office in Fairfield. In or about July 1933, he was replaced by William Russell, who became acting postmaster.

In January 1934, a competitive examination was held. Mr. MacQuarrie received the highest rating. Despite that fact Mr. Russell was appointed as postmaster.

Mr. Russell remained as postmaster until his death in the fall of 1936, at which time his sister, Katherine Russell, was appointed acting postmaster. Miss Russell has remained acting postmaster ever since.

In April 1937, after a competitive examination given by the United States Civil Service Commission, Mr. MacQuarrie was again certified as the one who had the highest rating. That examination was held under the Presidential order of July 20, 1936, which provided that the eligible person who received the highest rating in a competitive examination should be certified to the Postmaster General, who thereupon should submit the name to the President for appointment. Mr. MacQuarrie was not appointed. Miss Russell continued to serve as acting postmaster.

On November 19, 1938, a new competitive examination was held. Five persons competed in the examination. Again Mr. MacQuarrie received the highest rating, but he was not appointed, and Miss Russell continued to serve as acting postmaster, despite the fact that she was unable to pass the civil-service test. Thus, three competitive examinations have been held, and in all of the examinations Mr. MacQuarrie received the highest rating.

I will be glad of your advices as to whether or not steps are open to you to cause a review and possible correction of the situation thus revealed.

I have the honor to remain, Sir,

Faithfully yours,

JOHN A. DANAHER.

Mr. President, as might reasonably be expected, I received a reply to that letter under date of September 16, 1939, as follows:

THE WHITE HOUSE,
Washington, September 16, 1939.

MY DEAR SENATOR DANAHER: This will acknowledge the receipt of your letter of August 23, in reference to the postmastership at Southport, Conn.

I have taken the matter up with the Postmaster General and am sending you, for your information, copy of his report to me.

Very sincerely yours,

EDWIN M. WATSON,
Secretary to the President.

Mr. President, the letter from the Postmaster General to the President of the United States, bearing date September 13, 1939, is appended to General Watson's reply to me, and some of its phraseology is of special interest. I think, in the light of the record and in the light of the facts, that Senators will be able to place their own construction upon the happy choice of language one finds. But I emphasize it in advance so that none of those fine points may be missed by those who otherwise may be wondering what the effect of the Ramspeck bill would be. Many people today are interested generally in the civil service, and in maintaining a merit list of persons properly qualified for office. I am one of them. But, Mr. President, many of us have been led to think that the civil service actually meant civil service, and that one was entitled to advancement and reward on the basis of experience and ability.

Here is the letter addressed to the President by the Postmaster General of the United States:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., September 13, 1939.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: There is returned herewith the letter to you from Senator DANAHER dated August 23, 1939, and concerning the postmastership at Southport, Conn.

Miss Katherine Russell is the acting postmaster at Southport. She was appointed as such on November 24, 1936.

Nearly 3 years earlier this lady, who had always failed to pass the examination, had been appointed acting postmaster, and was still in that place in 1939.

Mr. Henry B. MacQuarrie was postmaster at the Southport post office from June 19, 1929, to July 17, 1933. An examination was conducted under the Executive order of 1933 which provided that one of the three highest eligibles should be selected for appointment as postmaster and while Mr. MacQuarrie received the highest rating in that examination, which was held in January of 1934, he was not appointed. William Russell, who was one of the three highest eligibles, was appointed, and following his death, in the fall of 1936, Miss Katherine Russell was appointed acting postmaster to hold office until the regular appointment could be made.

A competitive examination was conducted by the Civil Service Commission in 1937 and the former postmaster, Henry B. MacQuarrie, was certified as the highest eligible. Before an appointment was made from this register, Congress passed the law commonly known as the act of June 25, 1938, which places postmasters of Presidential offices, who are appointed subsequent to that date, in the classified service.

Notice that, Mr. President; that is the type of act that we soon are going to be asked to consider.

This act provides that an incumbent postmaster may be reappointed or a classified employee in the vacancy office may be

promoted, provided they pass a noncompetitive examination or that an open competitive examination may be held, in which event one of the three highest eligibles must be selected for appointment.

Let me interpolate that no one should be deceived into believing that in these noncompetitive examinations of persons who are being covered into the classified service, those who are highest on the list, and the most competent, are specially rewarded. Not a bit of it.

The letter continues:

As a result of an examination held under the provisions of the act of June 25, 1938, Mr. MacQuarrie was certified as the only eligible, and since the Department is not required to make a selection unless there is a full eligible register of three, the Civil Service Commission has been requested to conduct another examination and the closing date for receipt of applications was September 12, 1939.

Let me interpolate again, that there was no register of three; that the appointment has been made from a register of two.

The letter continues:

Senator DANAHER has protested—

Notice the word—

our action in not appointing Mr. MacQuarrie after he qualified in three examinations. He made a similar protest to the Department and we replied to same under date of August 24, 1939, a copy of which is attached.

Mr. President, it will be remembered that the letter which I introduced into the RECORD as my letter to the Department, was a request for an explanation. I asked for the facts. I asked if the facts as established by me in my letter to the Department were found to be true, how it could be under the law that such a situation was the result? The Department construes that to be a protest.

The letter continues:

The appointment of Mr. Russell was regular and in accordance with the Executive order in effect at that time, and had an appointment been made in 1937 under the provisions of your Executive order of July 20, 1936, Mr. MacQuarrie's name would have been included on the nomination list inasmuch as he was certified as the one attaining the highest rating. However, at that time, many Members of Congress insisted that nominations be delayed in view of the fact that Congress was considering some legislation affecting the appointment of postmasters at Presidential offices. This legislation was finally enacted and is known as the act of June 25, 1938. As before stated, under the provisions of this act, the Department is not required to make an appointment unless a full eligible register of three names has been furnished by the Civil Service Commission.

The Civil Service Commission is now making an effort to supply the Department with a full eligible register, and, when that is done, a prompt selection will be made therefrom.

I wish to assure you that this matter has been handled in a regular manner and an appointment would have been made during this last session of Congress had the Civil Service Commission been able to furnish a full register of eligibles.

Sincerely yours,

JAMES A. FARLEY,
Postmaster General.

Let me point out again that that letter concluded that the appointment would be made when a full list of eligibles had been certified. I thereupon replied under date of September 20, 1939, to General Watson as follows:

MY DEAR GENERAL WATSON: I have your letter of September 16 enclosing a copy of letter from the Postmaster General with reference to the postmastership at Southport, Conn. It was interesting to perceive that an assistant writing for the Postmaster General—

It will be perceived that I did not even think that the Postmaster General wrote that letter, and consequently I was willing to do him the grace of excluding him, and therefore placing the burden on some anonymous assistant.

It was interesting to perceive that an assistant writing for the Postmaster General interpreted my letter to you as one which "protested our action." He continues that I "made a similar protest to the Department and we replied to same under date of August 24, 1939."

You, of course, will know that I wished above everything to ascertain the facts directly from the source and wrote to the Postmaster General making inquiry concerning them. Their construction of such a letter as a "protest" would seem to indicate a state of mind concerning this situation which I had hoped did not exist. Of course it now becomes perfectly apparent that the Department is not seeking merely a "qualified" candidate, for the qualifications of Mr. MacQuarrie have been demonstrated in repeated examinations. Meanwhile the Department has on one ground or another persisted in retaining as postmaster a person who has failed in each instance to qualify. No wonder my letters are now construed to be "protests", and in the light of developments, what do you think should be done?

It may be so "that this matter has been handled in a regular manner," but can we say that the Government is getting the services of the person best qualified to serve as postmaster?

I shall not go further into the subject in this fashion for I have no desire to add to your burdens, but, General Watson, as a matter of interest you should also read, perhaps, the report of the Civil Service Commission on this same postmastership. I believe you will then find that Mr. MacQuarrie outranked all applicants, has at times been the only one to pass, and that the incumbent since 1936 can't pass the examination. I take it that this is "the regular manner" referred to in the Post Office Department's letter and a further examination is being held to try to find out what has been established over and over again. Although I made no "protest" before, it is apparent that the time has come for someone to do so in the interests of civil service and of the public.

Please believe me with respect,

Faithfully yours,

JOHN A. DANAHER.

General Watson replied to my letter under date of September 23, 1939, as follows:

THE WHITE HOUSE,
Washington, September 23, 1939.

DEAR SENATOR DANAHER: I have received and noted carefully your letter of September 20 regarding the postmastership at Southport, Conn. I shall send it on to the Postmaster General personally for his information.

Very sincerely yours,

EDWIN M. WATSON,
Secretary to the President.

Mr. President, in the light of that record, and notwithstanding the circumstances and facts adduced—every one of them from responsible sources and Government agencies—the answer came when, on the list of April 15, 1940, we found as postmaster for the town of Southport, in Fairfield, Conn., Mr. E. Allan Measom, who after 6½ years passed the examination, and who stood second when he finally did pass, notwithstanding the record of Mr. MacQuarrie.

I submit that if the pending amendment offers to the committee in charge of the bill an opportunity to open up the civil service and to make it a merit system, and to place applicants on a competitive basis, as a result of which, when they establish their competency, they will be appointed, the amendment should be supported. Whatever appropriation is necessary to accomplish that highly desirable result should be voted.

Mr. President, that concludes my remarks on the pending amendment.

Mr. McKELLAR. Mr. President, I hope the Senator will vote against the amendment.

Mr. DANAHER. I thank the Senator from Tennessee.

Mr. MALONEY. Mr. President, I shall detain the Senate for only a few moments. I wish to make it clear, at this point in the RECORD, that there is no disagreement between my colleague the Senator from Connecticut [Mr. DANAHER] and myself concerning the man who has been nominated for the postmastership at Southport. I share the interest in the civil service expressed by my colleague. During my period of service as a Member of the House and since I came to the United States Senate I have never voted against a civil-service reform proposal, and in every instance when given the opportunity have voted to strengthen the civil service.

I am not as well informed on the postmastership at Southport as my colleague appears to be. It is a matter which I seem to have inherited from a Member of the House of Representatives who was defeated in a recent election. I knew of no interest in this postmastership on the part of my colleague until the name of Mr. Measom, whom I do not know, came to the Senate a few days ago. At that time my colleague advised me that he was vitally interested in the matter and that he would offer an objection to the confirmation of Mr. Measom. I then advised him that if he found the man objectionable I should be pleased to ask that the name be withdrawn; but I had his assurance that he had no personal objection, but rather that his concern was with the matter of civil service, to which he has so clearly referred this afternoon.

Mr. President, I presume that this situation differs not at all from situations which have existed under all administrations relating to postal appointments. I do not know any of the persons involved, except by name. I rise at this time only to make it clear to the readers of the RECORD and to Senators and others who may be interested that, so far as I am aware, there is no disagreement or difference of opinion concerning the particular man under consideration, and to insist that there has been no violation of the postal regulations or the civil-service routine. So far as I know, everything is quite in order. The postmastership at Southport—as has been the long-time custom—has been pretty much in the hands of the postal authorities, the Civil Service Commission, and, to the extent to which I believe they are rightfully entitled to it, the people of the community.

SEVERAL SENATORS. Vote!

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). The Senator will state it.

Mr. THOMAS of Oklahoma. What is the question now pending before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Washington [Mr. SCHWELLENBACH] to strike out certain words in paragraph numbered 14, on page 48 of the bill.

The question is on agreeing to the amendment offered by the Senator from Washington [Mr. SCHWELLENBACH].

The amendment was rejected.

Mr. THOMAS of Oklahoma. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The CHIEF CLERK. On page 20, line 14, it is proposed to strike out "$282,100" and insert "$353,980", and on page 21, line 5, it is proposed to strike out "$26,500" and insert "$71,880."

Mr. THOMAS of Oklahoma. Mr. President, this amendment is based upon a Budget estimate in a consolidated sum of $106,400. I therefore ask unanimous consent that the amendment may be considered as an entity, and passed upon as such.

The PRESIDING OFFICER. Is there objection to the request of the Senator?

Mr. McKELLAR. I have no objection to the amendment being considered in that way. Of course, I am opposed to the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be considered in the manner requested.

Mr. THOMAS of Oklahoma. Mr. President, this amendment, as I have said, is based upon a definite Budget estimate, which is found on page 131 of the Budget document. I ask unanimous consent that the wording of the Budget estimate be inserted in the RECORD at this point in my remarks.

There being no objection, the estimate was ordered to be printed in the RECORD, as follows:

Salaries and expenses, film service, Office of Education—

Film service: For all necessary administrative expenses to enable the Commissioner of Education, under the direction and supervision of the Administrator of the Federal Security Agency, to continue to exercise the functions of the United States Film Service transferred to the Office of Education, Federal Security Agency, on July 1, 1939, such administrative expenses to include personal services in the District of Columbia and elsewhere; expenses of attendance at meetings of organizations concerned with the educational aspects of the motion-picture industry; exchange, as part payment for, office labor-saving devices, purchase of lawbooks, books of reference and periodicals; repair, maintenance, and operation of passenger and other motor vehicles, $106,400 (53 Stat. 561–565).

Estimate 1941, $106,400.

Mr. THOMAS of Oklahoma. Mr. President, the Budget estimate is in certain language, followed by a break-down of the amount. I ask unanimous consent that the break-down following the estimate also be printed in the RECORD at this point in my remarks.

There being no objection, the break-down was ordered to be printed in the RECORD, as follows:

By objects	Obligations					
	Estimate, 1941		Estimate, 1940		Actual, 1939	
	Positions	Average salary	Positions	Average salary	Positions	Average salary
PERSONAL SERVICES, DEPARTMENTAL						
Professional service:						
Grade 7. Director	1	$7,500				
Grade 6. Assistant director	1	5,600				
Grade 5. Script adviser	1	4,600				
Educational adviser	1	4,600				
Script writer	1	4,600				
Chief of distribution	1	4,600				
Grade 4. Assistant chief of distribution	1	3,800				
Subprofessional service:						
Grade 5. Film technician	1	1,800				
Grade 4. Assistant film technician	1	1,620				
Clerical, administrative, and fiscal service:						
Grade 11. Information specialist	1	3,800				
Grade 7. Junior administrative assistant	1	2,600				
Auditor	1	2,600				
Grade 5. Senior clerk	1	2,000				
Secretary to director	1	2,000				
Grade 4. Principal stenographer	2	1,800				
Fiscal clerk	1	1,800				
Grade 3. Stenographer	1	1,620				
Clerk	1	1,620				
Grade 2. Junior stenographer	4	1,440				
Clerk-typist	4	1,440				
01 Personal services (net)	27	71,880				

By objects	Obligations		
	Estimate, 1941	Estimate, 1940	Actual, 1939
OTHER OBLIGATIONS			
02 Supplies and materials	$3,500		
05 Communication service	3,000		
06 Travel expenses	5,000		
07 Transportation of things (service)	1,200		
08 Printing and engraving	5,000		
11 Rent	3,700		
30 Equipment	13,120		
Total other obligations	34,520		
Total estimate or appropriation	106,400		

Mr. THOMAS of Oklahoma. Mr. President, this amendment has to do with the United States Film Service. Some 25 or 26 years ago the Government began to become interested in making films officially; and during these 25 or 26 years the Government, acting through its various agencies, has made a great number of films. A few years ago this particular work was transferred from the National Emergency Council to the Federal Security Agency. I shall read an excerpt from the order of the President.

I propose to transfer to the Federal Security Agency for administration in the Office of Education, the film and radio functions of the National Emergency Council. These are clearly a part of the educational activities already carried on in the Office of Education.

This particular branch was first placed under the National Emergency Council, and, then, in the consolidation program, was transferred from that organization to the Office of Education, where it now is. Previous appropriations have carried funds for the United States Film Service. I am wondering why this particular item has been selected for annihilation.

This Congress has appropriated, or will appropriate, funds for carrying on 25 or 26 other national film services. The Government, in its various agencies, now has more than 25 different services making films; yet no question has been raised against any of them, for the very best of reasons. The sums carried for those purposes have been covered up. They have not shown up in the appropriation bills. In this year's

Budget the Bureau of the Budget set forth this item separately and distinctly. When the Budget reached the House of Representatives, and the House committee saw an item carrying $106,000 for the United States Film Service as a specific item, apparently for an independent agency, the committee said, "There is no authority of law for the existence of the United States Film Service." In that particular I think the committee is correct. There is no law creating the United States Film Service; and, inasmuch as this agency appeared to be a special branch of the Government, independently set up, the House, not passing on the merits of the proposal, said, "There is no authority of law for this independent agency. Therefore, we will not allow the appropriation." The House refused to allow the appropriation, not on its merits, but because there was no specific law authorizing the appropriation of $106,000 for carrying on the work.

Mr. President, at this point I desire to place in the RECORD the authority for this particular item in the Office of Education. I shall place in the RECORD, if I may have permission to do so, a paragraph from the basic law of the United States Office of Education.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

There shall be in the Department of the Interior a bureau called the Office of Education, the purpose and duties of which shall be to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country—

Mr. THOMAS of Oklahoma. I place it all in the RECORD, and I call attention to the last line, which I claim covers this authorization. After reciting other duties that the Office of Education is authorized to perform, the last line is as follows:

and otherwise promote the cause of education throughout the country.

I contend that that language is sufficiently broad to authorize the Office of Education to have this sum appropriated and to use the sum for the distribution of films.

Mr. President, this particular branch of the Government is a clearing house for the other twenty-five-odd film agencies. If funds are not appropriated for this agency, the work will not be carried on; and, if that happens, the other agencies which are now making films will have no means through which to distribute the films.

I ask the distinguished Senator in charge of the bill [Mr. McKELLAR] why this particular item was singled out, and why none of the other 27 or 28 film services has been singled out for annihilation.

Mr. McKELLAR. Mr. President, I shall be very happy to tell the Senator. I think the House is entirely correct. There is no law providing for a United States Film Service. None has ever been passed. I do not think it was ever the intention of the Congress to set up a film industry as a part of our Federal Government.

The Senator asks me why this particular item was singled out.

I have been on the Appropriations Committee now for more than 20 years, and this is the first time that an appropriation for film service has ever come to light. Governmental agencies have obtained such appropriations in a clandestine kind of way. I do not mean wrongfully, and perhaps "clandestine" is too strong a word; but, as a matter of fact, money which has been appropriated for work relief has been used for film service and for building up a United States Film Service. Remarkable to tell, we find it in a number of departments. I did not know it was so.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, I have yielded to the Senator in charge of the bill to answer a question which I myself propounded. In a moment I shall be glad to yield to the Senator from Massachusetts.

Mr. McKELLAR. I am willing that the Senator yield now to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I wish to ask the Senator from Tennessee whether it is not true that the relief money which has been used to make films has not resulted in the employment of relief labor in making the films?

Mr. McKELLAR. That is entirely true according to the testimony submitted to the committee. I will say to the Senator from Oklahoma that I was absolutely astounded to find that in the Office of Education there had been built up a $409,000 business in the making of films.

I call the attention of the Senator to page 251, of the hearings, from which I read the following:

Senator McKELLAR. Wait 1 minute, and let him explain where he got the rest of the money. What other money did you get?
Mr. MERCEY. There were two other sources of funds which came to us for the purpose of financing pictures to be made by two other different agencies.
Senator McKELLAR. Yes.
Mr. MERCEY. The Rural Electrification Administration.

I am a strong supporter of the administration, but I do not want it to spend its money to build up a film industry.

Senator McKELLAR. How much?
Mr. MERCEY. And the Agricultural Adjustment Administration.
Senator McKELLAR. How much from each?
Mr. MERCEY. From the Rural Electrification Administration $28,000, and from the Agricultural Adjustment Administration $50,000.
Senator McKELLAR. Is that all you had?
Mr. MERCEY. That totals——
Senator McKELLAR. What is the total?
Mr. MERCEY. Four hundred and nine thousand dollars.

It struck me as monstrous to be transferring appropriations from one agency to another when there is a prohibition in the W. P. A. law against using the money except for work relief. Admittedly this money is not used for work relief, and yet under the work-relief law they set up a film industry. That is why I say to my distinguished friend from Oklahoma, whom I admire so greatly, that was the first I knew of the establishment of a film industry by the United States, though I have long suspected it, because I am a great moving-picture goer; I am very fond of the moving pictures; I spend a good deal of time, very profitably and certainly very delightfully, at the moving-picture shows. But I am not in favor of the United States Government building up a moving-picture industry.

Mr. THOMAS of Oklahoma. Mr. President, I should like to ask the distinguished chairman of the subcommittee another question.

Mr. McKELLAR. I will be glad to answer if I can.

Mr. THOMAS of Oklahoma. Would the Senator from Tennessee, as a Senator, favor a proposal denying funds to any agency for the purpose of making films?

Mr. McKELLAR. I will be perfectly frank with the Senator. I would have to pass on that when it came up. I would want a bill for that purpose brought before the Senate and enacted into law. After there had been passed a law setting up a Federal industry or a Federal operation of this sort, if the Congress should pass such a law, and the matter were brought before the Appropriations Committee, I should certainly vote for appropriations in accordance with the law; but many of these agencies have certainly taken not one short cut but many short cuts engaging in this line of work and keeping it under cover, so to speak, for a number of years. It has been going on, I think, for perhaps 15 or 20 years.

Mr. THOMAS of Oklahoma. Since 1912, I will say to the Senator.

Mr. McKELLAR. Since 1912. That is quite a long time. Insidiously, apparently secretly, not asking for funds for film service, but asking for funds under other pretexts, various agencies have been using appropriations for film purposes to the extent perhaps of half a million dollars a year, and I imagine a great deal more than a half a million dollars, for film services. I think we ought to have a law authorizing it before we appropriate any more money for film services in any department.

Mr. THOMAS of Oklahoma. Mr. President, answering the argument just made, only a few years ago the Office of Education requested legislation authorizing it to employ a specialist in motion pictures and radio. That was done 9 years ago, or in 1931. At that time this question came before

the Appropriations Committee, and I am advised that the chairman of the subcommittee advised the proponents of that legislation that the language of the basic law was ample to justify appropriating money for a special radio and film artist.

Mr. McKELLAR. Oh, no; the Senator is entirely mistaken. The specific question then up was the one affecting library service in one of the departments. I think I was wrong about the opinion I gave at the time; further investigation has rather led me to believe that I was mistaken at that time about it; the question involved was not about film service, because, so far as I can recall, we have not had the question of film service before the Appropriations Committee at all in a number of years—and if there are any members of the Appropriations Committee present, they will confirm what I say—and we have not provided appropriations for film service specifically, but always under other heads.

Mr. THOMAS of Oklahoma. The record is clear that we have been making appropriations since 1912, not only to build up but to expand the film service among the several agencies of the Government. The record is clear, because I have a list of these services, and I shall place them in the RECORD very shortly. I shall place in the RECORD now, Mr. President, the language under which some of these agencies claim that they have the right to produce, buy, and distribute films. For example, the United States Housing Authority has a film service. The language of the law creating the United States Housing Authority contains specific language authorizing the use of films. I quote from that law:

> The Authority may publish and disseminate information pertinent to the various aspects of housing.

Under that broad authorization the Housing Authority has requested funds, not only for the establishment but for carrying on film service, and funds are now being provided for a film service by that agency.

Take, for example, the Bureau of Mines. The organic act of the Bureau of Mines, which is taken as authority to make motion pictures, says:

> And to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

Under that broad authority the Congress makes appropriations to carry on a film service in the Bureau of Mines.

Now, Mr. President, I desire to place in the RECORD at this point the several film agencies which the United States sponsors and for which since 1912 the Committee on Appropriations has been making appropriations in an ever-increasing amount, not only to build up these services but to maintain and carry them on. In the Department of Agriculture we find the Farm Credit Administration maintaining a film service.

In the Department of Commerce we find the Bureau of Foreign and Domestic Commerce carrying on a film service.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I am glad to yield to the Senator from Michigan.

Mr. VANDENBERG. Can the Senator state the appropriations that are being expended for these purposes as he proceeds through the departments?

Mr. THOMAS of Oklahoma. No; I regret that I cannot do so. The departments are wide and some of the appropriations are concealed. It would take some one from the budget office of the Department of Agriculture to ferret out the exact sums which they desire to use for film service. An expert could take the budget and go through the Agricultural Department items and ascertain what positions and what expenses are to be paid from other appropriations for the maintenance and expansion and carrying on of film service in that Department. I do not have the figures.

Mr. VANDENBERG. Has the Senator any general estimate of the total the Government is spending on the silver screen?

Mr. THOMAS of Oklahoma. No; each one of the several agencies has the same amount as requested by this amendment, for which the Budget Bureau estimates $106,000. The total may be ascertained by multiplying that figure by about 27. It would be somewhat less than $3,000,000.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. McKELLAR. I will say to the Senator from Michigan and the Senator from Oklahoma and to others who are interested in the matter that the other day, when this very remarkable situation arose in the committee, and it developed that we were appropriating for this purpose, and had been in the habit of doing so for some years, large sums which evidently were concealed by the various departments, the committee adopted a resolution directing the chairman to write a letter to each department asking them to inform the committee what sums were being spent, so that when the next appropriation bill comes around we may treat all exactly alike, and whatever is being done may either be done hereafter in the open or not done at all. I think there was no disagreement upon the part of any member of the committee that there ought to be the fullest publicity as to the expenditure of these funds.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. KING. I should like to make an inquiry of my friend the chairman of the subcommittee. In view of the revelations which he has brought to the attention of the Senate, and his contention that these appropriations—to use his expression—were clandestinely used, I ask the Senator whether he does not think the situation could be best met by offering an amendment to this effect:

> *Provided*, That none of the appropriations herein contained shall be used for the manufacture or disposition or utilization of films.

In that way we could reach all the 20 or 30 agencies which have been diverting money for film purposes.

Mr. McKELLAR. No; they are not all in this bill, and if we tried to reach those outside this bill the amendment would be legislation, and subject to a point of order. Whether or not it would be subject to a point of order, I should not object to such an amendment; but, if the Senator will permit me a moment, the House committee has made this statement, which seems to me to be very proper:

> Two estimates, one in the amount of $40,000 and one in the amount of $106,400, were before the committee, involving the establishment, on a permanent basis, of a radio service and a film service, respectively.

By the way, they are building up a radio service in the same way.

Mr. THOMAS of Oklahoma. That is for the $40,000 item. My amendment does not cover that.

Mr. McKELLAR. I know that.

> The committee, after consultation with parliamentary authorities, has concluded that there is at the present time no existing law that would authorize the carrying on of these services. The sums named have, therefore, been eliminated from the bill. The committee reserves judgment on the merit of the two activities and in the event enabling legislation is passed, will review the estimate of need for funds to carry on any work under these heads in the light of then existing conditions.

I do not remember the exact vote in the committee on this matter; but by a majority vote the committee thought the House was right, and we left out these items. That is all we can do at this session, unless the Military Establishment subcommittee or the District of Columbia subcommittee have similar appropriations concealed in those two bills. Certainly they were concealed in the earlier bills. I do not think they ought to be adopted, and I hope the Senate will not adopt them.

Mr. THOMAS of Oklahoma. Mr. President, there is no illusion about this matter. It is nothing new. It is at least 25 years old. Each bill carries funds available for the dissemination of information. The Congress does not give the departments specific instructions as to how information may be disseminated. The Congress does not say that information shall be disseminated by postal card or by letter, or by handbills, or by any other particular method. That is left to the discretion of the Department.

Mr. TAFT. Mr. President——

Mr. THOMAS of Oklahoma. I yield.

Mr. TAFT. I can understand how the Department of Agriculture might send out films showing how to control insects, or something of that sort.

Mr. THOMAS of Oklahoma. I shall come to that in a moment.

Mr. TAFT. But what possible function has the Office of Education in sending out films? These films have no relation to education.

Mr. THOMAS of Oklahoma. The answer is plain. This is the central distributing agency for all governmental film services. It is a clearinghouse, so to speak. This is the agency which has cataloged all the films made by all the several agencies, and this is the department which receives applications, sends out the films under instructions, keeps control of them, keeps track of them, gets them back, and sends them out to some other point.

Mr. TAFT. Then, why has it a director of distribution, and why has it spent $150,000 in producing its last film? What has that to do with the distribution of films through other departments of the Government?

Mr. THOMAS of Oklahoma. I shall come to that matter in just a moment. It is true that this Department did make the film called The River, and I understand that that film has been shown in all the States of the Nation. It has been seen by multiplied millions; and if it cost only the amount of money stated by the Senator from Ohio, it is one of the cheapest films to have that much circulation that has ever been produced in America.

It is now estimated that to produce a modern film it costs $1,000,000, $2,000,000, $3,000,000, or multiplied millions. The film which shows the destruction of property by floods, called The River, of especial interest along the Mississippi and other rivers where there are floods, did not cost any such sum as that; and it is this particular agency, this clearinghouse called the United States Film Service in the Office of Education, which not only distributes those films but distributes all the other films produced which are worth distribution.

Mr. President, at this point I desire to make the record complete by placing in the RECORD the names of the other agencies which maintain film services.

The Department of the Interior has, first, a Division of Information, with a film service.

It has a Bureau of Mines, with a film service.

The Department of Justice, acting through the Bureau of Prisons, has a film service.

The Department of Labor, first, has a film service in the Children's Bureau; second, it has a film service in the Division of Labor Standards; and, third, a film service in the Women's Bureau.

The Department of the Navy has a film service.

The Department of the Treasury has a film service in connection with Coast Guard activities.

The Federal Loan Agency has a film service in the Federal Housing Administration, to which I alluded just a moment ago.

The Federal Security Agency has numerous film services. First, the National Youth Administration has a film service. The Social Security Board maintains a film service. The United States Film Service is the one I am talking about. It is the central agency which serves all the other agencies in distributing and making available these films to schools and clubs and groups and organizations throughout the United States.

The United States Public Health Service maintains a film service.

The Federal Works Agency has two services—one the United States Housing Authority, to which I have alluded, and the other the Work Projects Administration.

The Pan American Union has a film service.

The Post Office Department has a film service.

The Tennessee Valley Authority has a film service.

The United States Marine Corps, the United States Maritime Commission, the Veterans' Administration, and the War Department have film services.

Then, several of the departments have film strips and lantern slides; making, I think, a total of about 27 separate and distinct film services among the various Federal institutions for which we make appropriations.

Mr. VANDENBERG. Mr. President——

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDENBERG. What is the purpose of these films and their distribution? Is it to popularize the work of the various bureaus, so that they in turn may build up a popular appeal to expand their functions, and get more money with which to operate?

Mr. THOMAS of Oklahoma. Let me place in the RECORD the titles of some of the films prepared by the Department of the Interior. As I put them in the RECORD I shall make probably a line of comment, as I shall be reading from the report prepared by the particular organization—the United States Film Service—for which I am now offering my amendment.

The Department of the Interior has made a film called Alabama Highlands, showing the development of the State park system in the mountainous section of Alabama.

They have made a film called Alaska Fur Seals, illustrating the life history and habits of the fur seals.

They have a film called Beaver Farming, showing the method of handling beavers, both in pens and in fenced preserves.

They have another film called Beavers at Home, showing beavers at work repairing dams and felling trees, also showing beaver houses, and studies of baby beavers.

Another film produced by this Department is called Big Bend National Park Project. It shows a trip through the Big Bend region of Texas, recently made a national-park project, featuring the mountainous area bordering on the Rio Grande, with sequences on Texas natural resources.

The Interior Department has another film entitled "Boulder Dam." It shows the construction of the world's highest dam from start to finish, spectacular work shots, desert and water scenics, and significance of the project.

They have another film known as Carlsbad Caverns (New Mexico). This film shows the geological story of the caverns in animation, with interior scenes of the caverns showing natural formations, and exterior views of the surrounding national-park area.

They have another film entitled "C. C. C. Accomplishments in Pennsylvania." It shows the C. C. C. boys at work in the State parks of Pennsylvania, with sequences on historic, topographic, and civic features of the State.

They have another film known as C. C. C. in a Crisis. It shows the C. C. C. boys building levees and assisting in rescue and flood-control work at various points on the Ohio and Mississippi Rivers during the 1937 flood.

They have another film, put out by this one agency, known as C. C. C. in Great Smoky National Park. It shows the C. C. C. boys working in the national park in the Blue Ridge Mountains of North Carolina and Tennessee, with scenes of the highest peaks east of the Mississippi, mountain streams and wild flowers, and life of the southern mountain people.

Mr. President, the Interior Department have published something like 50 of these films. They are available through this agency to the schools of the United States. They are available to clubs of the United States and groups of the United States.

By means of these moving pictures the people of the United States living away from the cities, in the rural districts, have the opportunity of witnessing scenes in other sections of the Nation. I understand that seeing the film to which I have just referred is really like taking a trip through the Big Bend section of Texas.

I will read the titles of a number of these films, so that the members of the Senate may see the wide scope of the films made by the Department of the Interior.

First there is the film Cooperative Wool, From Fleece to Fabric. That shows how wool is handled by cooperative wool-marketing associations, and shows also wool-production activities on range and farm.

There is a film called The Cougar Hunt, showing the methods followed by Government hunters in predatory animal-control work, with special reference to mountain lions.

There is a film called Cradle of the Father of Waters. That shows the C. C. C. boys in north central Minnesota, with sequences of historic, topographic, and civic features of the State.

There is a film called Day in Virginia Camps.

There is another called Death Valley National Monument.

Another is Down Mobile Way, which shows the C. C. C. development of the State park system in the coastal sections of Alabama.

Another film issued by the same Department is entitled "Duck Sickness—a Menace to Western Waterfowl." That film shows how workers of the Biological Survey discovered the true cause of the disease that has killed millions of waterfowl and shore birds and shows the means of controlling the disease.

Another film is called Evangeline's Haven of Peace, which is a Louisiana production.

There is another film entitled "Fairy Fantasies in Stone," which pictures a trip through the Bryce National Park of Utah, showing examples of erosion by sand, wind, and rain on rock formations.

There is a film entitled "Fish, From Hatchery to Creel." This film shows work in connection with the hatching of fish, stocking rivers, lakes, and streams.

I shall now read for the benefit of the Senate the names of other films, and Senators can draw their own conclusions:

Flyways of Migratory Waterfowl.

For a Changing Empire. That relates to the great State of Georgia.

Another film is entitled "For the People." It relates to the national parks, and the benefits they afford that part of the general public which has the advantage of visiting the national parks.

There is another film entitled "Forest Playground."

Another is entitled "Four Little Mice." This film illustrates the habits and control of meadow, pine, deer, and house mice.

Another is entitled "Glimpses of the National Parks"; another "Grand Coulee"; another "Heart of the Confederacy," the latter taken in Alabama.

Another film is entitled "Home Rule of the Range." It shows the protective measures and the restoration of stock ranges in the West as provided for in the Taylor Grazing Act.

Another film is entitled "How and Why of Bird Banding."

Another is How to Get Rid of Rats. That must be an important film. It is certainly desirable to exterminate rats. The wording following this film is:

> This film shows how we perform the practice of extinction of rats. It gives some unusual views of wild rats in their local habitats and how they are dealt with, how they are eradicated, how they are exterminated.

I should think that film would be of value to some sections of the United States.

Another film is entitled "How to Handle Foxes." This film shows the improved methods of catching and holding as practiced on fox farms. It is of special interest to veterinarians.

There is a film entitled "Human Crop." This is a film which shows the development of organized camping and general recreational facilities on lands unsuited for agricultural or industrial purposes; featuring the 15,000-acre Chopawamsic area between Washington and Richmond.

Another film is entitled "Indian Villages of Antiquity."

Another is entitled "In the Wake of the Buccaneers." It is a travelog.

Another film is entitled "Know Your Coal." It is the story of bituminous coal, from mine to consumer, showing the scientific methods of testing for efficiency.

Another film is entitled "Land of Ten Thousand Lakes." I seem to have heard of that before somewhere. It relates to a very beautiful and entrancing place in Minnesota, and I am certain that the State of Minnesota has had great benefit conferred upon it through the showing of this film throughout the United States.

Another film is entitled "Land of the Giants." It relates to California. It was produced to show the C. C. C. State park developments in California and the areas covered. It shows the California Redwood, Humboldt Redwood, Calaveras, Mount Tamalpais, the San Jacinto Mountains, Rubicon, Prairie Creek, Big Sur, Cuyamaca, Moro Bay, and Russian Gulch State Parks.

Another film is entitled "Looking Back Through the Ages." It is a detailed presentation of the archeological story of the cliff dwellers who formerly inhabited the Mesa Verde region in the great Southwest.

We have the Morristown National Park shown in films. We have the National Conservation reels, which illustrate the work of the Department of the Interior in the conservation of natural resources. Then there are the following reels: Nation-wide System of Parks, Natives of Glacier, Natives of Yosemite.

Old Danish Sugar Bowl is a reel showing the revival of the cane-sugar industry on the island of St. Croix, in the Virgin Islands, one of our Caribbean possessions.

There is a reel entitled "Old Lands—New Uses," taken in South Carolina. It shows the C. C. C. work in the State parks of South Carolina, with sequences on historic, topographic, and scenic features of the State.

I could proceed and read the remainder of the pages of names of reels issued by one agency, an agency in the Department of the Interior.

Mr. President, if it is the desire of the Congress to eliminate and stop the production and distribution of these films that can be accomplished perfectly by refusal to adopt the amendment now pending before the Senate.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDENBERG. Is there any film available showing the Treasury Department, and the legerdemain by which money comes out with none going in?

Mr. THOMAS of Oklahoma. An inquiry of the Treasury Department will no doubt bring an answer to that question. The Coast Guard is the only Department of the Treasury which has a film service, and I doubt whether there is any film service which depicts and portrays the nonexistent fact of which the Senator from Michigan speaks.

I may state that at this time the Treasury is carrying a balance in excess of a billion dollars. When this administration came into power some 7 years ago there was no money in the Federal Treasury.

Mr. BYRNES. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BYRNES. In connection with the question asked by the Senator from Michigan, let me suggest to the Senator that such a film as that to which he refers would have to be taken here, under the dome of the Capitol, instead of in front of the Treasury.

I wish to ask the Senator from Oklahoma a question with reference to the appropriation. He seems to have investigated the subject most thoroughly. On page 261 of the record of the hearings before the Senate committee, this statement was made by a representative of the Office of Education:

> I would like to suggest to the Senator that there are about 400 films listed here by the Government, and one of the purposes of the Film Service is to see that films are made better; that fewer are made and less total money is spent for motion pictures. I think that the expenditures for the Film Service would be only a fraction of what might be saved during the next fiscal year for Government motion pictures.

Am I to understand from that, and from what the Senator has stated, that already we have appropriated funds to the various departments, which are available for their use in

the preparation of and the distribution of films, and that money is sought now by the Office of Education for the purpose solely of trying to bring order into the preparation and distribution of films by the various agencies, so as to perform in a better way the educational purposes they have in mind? Is that the object?

Mr. THOMAS of Oklahoma. Mr. President, if the films which are being made by the various agencies may have value, scenic value, educational value, or value along any other line, they are of no value whatever unless someone sees them. The finest film in the world would be of no benefit whatever unless some agency were provided to distribute it, some central agency to which a school or a club or a group or organization could write suggesting a film they want, or suggesting that they want a film covering a certain subject.

Unless there is some place from which they can get such a film, all the money we are spending for agencies is entirely wasted. It may serve a purpose in providing employment, but, so far as the result is concerned, it is a wasted work. So this particular agency for which the committee failed to provide is the one agency which makes available the work of all the other agencies, and if this money is denied, then the other services, some 25 of them, will continue to make films, but will have no way to release them, and no way of getting them before the country, unless they are appealed to directly, in which event they would make the films available.

Mr. BYRNES. I do not recall having seen any of the films, but I notice in the RECORD that the New York Herald Tribune of March 7, 1940, and the New York Herald Tribune of March 10, 1940, were very enthusiastic in their praise of the films which have been issued recently, and similar enthusiastic praise appears in the New York Times. Can the Senator tell us when the Office of Education began the work of supervising the distribution of films by the various agencies? I desire to know whether these films which have attracted such favorable comment have been issued under the auspices of the Office of Education, or whether they have been issued by various other agencies.

Mr. THOMAS of Oklahoma. Let me lead up to the answer. The Government started making films in 1912, some 28 years ago. From time to time different agencies have used funds appropriated to them to start a film service; no doubt, in order to help accomplish the work of the agency. In 1938 the President established the Film Service as a division of the National Emergency Council for the purpose of furnishing to Government agencies such facilities as planning, production, distribution, and so forth. I have already read the President's statement that this function should be under the Office of Education. He transferred this agency to the Office of Education.

Mr. BYRNES. This has nothing to do with the radio service?

Mr. THOMAS of Oklahoma. No; I am not pleading for a continuation of the Radio Service.

Mr. BYRNES. It relates only to the Film Service.

Mr. THOMAS of Oklahoma. Yes.

Mr. BYRNES. The money is spent for Federal agencies in any event?

Mr. THOMAS of Oklahoma. Some 27 of them are spending money, first to make films, and then if they have any outlet for them of course they distribute them.

Mr. President, if the amendment is not agreed to, if the Film Service is discontinued, there will still be 26 other agencies engaged in this work, but there will be no central office to distribute the films. This is the central agency. This is the one agency that makes available to the people the films of the other agencies.

Mr. TAFT. Is it not true that each department distributed its own films up to 1938?

Mr. THOMAS of Oklahoma. They can do that.

Mr. TAFT. Did they not actually do it?

Mr. THOMAS of Oklahoma. They can do that, but they do not stress that work, as I understand. This particular agency has published a little booklet, containing over 30 pages, and on each page from 20 to 30 films are briefly described. This publication was issued, March 1940, by the Federal Security Agency, United States Office of Education, Film Service, so the publication is available. It is the instrument used for advertising the films of the various services. Of course, it was paid for with money from this appropriation. A portion of the proposed $106,000 appropriation would be used for personnel expenses, and a portion for the production of films, printing material, and supplies.

So the $106,000 which the committee eliminated from the bill would cover the personnel, as I stated, as well as supplies. If it is not restored to the bill the personnel now engaged in this work will, of course, be dismissed and the money appropriated for supplies will be discontinued. Then we will have some 26 or 27 agencies making films with no perceptible outlet.

Mr. President, this matter has never been brought up in the Senate to my knowledge, but the people know about this service. I read from a statement which has been placed in my hands:

> The United States Film Service was established in part as a production agency for the various Federal agencies which wish to employ the motion picture for educational purposes. The superb record made by the first two films, The Plow That Broke the Plains and The River, indicated the need for a production unit which could produce films on a service basis.
>
> The Film Service has just completed a feature-length film on child welfare and maternal health, showing some of the incidents of health and living conditions in the tenement areas of a great city. This film is called The Fight for Life and is based on the maternal-welfare chapters of the book of the same name by Paul de Kruif, famous writer on science and author of such works as Microbe Hunters, Men Against Death, Hunger Fighters, and several others.
>
> The Fight for Life has drawn almost unparalleled praise from newspapers and magazines for its excellent exposition of the problem of maternal health and child welfare. Some of the comments which indicate the quality of the production are:
>
> The New York Times (March 7, 1940):
>
> "We wish there were some form of Pulitzer award for the kind of cinema journalism Mr. Lorentz has been doing."
>
> New York Herald Tribune (March 7, 1940):
>
> "* * * a stirring and eloquent drama, as well as a document of profound significance. Here is a memorable tribute to the medical profession, accented by challenging social overtones * * * it is a film like no other you have ever seen. It is one you are not likely to forget soon."

On the same date the New York Post had the following to say about the film entitled "The Fight for Life." This film was made by the particular agency which the committee, in reporting the bill, attempted to kill.

The New York Post said:

> The Fight for Life is a film which in certain respects goes beyond anything this reviewer has seen on the screen. It is a tremendous fight, the most thrilling one in the world.
>
> There will be no better motion picture made in 1940.

If that be the case, this particular agency which is now dangling here almost lifeless, will not be able to produce other films of a similar character. They have produced this film, which has received favorable comment from the great newspapers of New York City.

Time magazine of March 25, 1940, has the following to say:

> In its realism it sustains the suspense luckily caught a few minutes each year on epic news reels.

The Nation, in its issue of March 16, 1940, has this to say:

> The Fight for Life is for many reasons the most exciting picture I have seen since I began conducting this column. * * * Again, as with The River, the United States Film Service and Pare Lorentz have made film history.

The publication known as the National Board of Review magazine of March 1924, commented on this particular picture. I am not advertising the picture. I am simply telling what the newspapers have said about one picture that has just been produced by this Service. The National Board of Review magazine has the following to say:

> Pare Lorentz' The Fight for Life is the first feature-length documentary film to be released to the American public, and it is therefore of great importance not only to the career of this talented director but also in the development of the documentary film in this country.

The statement from which I have read continues:

The Film Service has in production a short subject on the use of electric power on the farm. This picture is being made for the Rural Electrification Administration, and indicates some of the problems of farms without electricity. The work of the agency in cooperation with public and private agencies to bring more electricity to the American farm will be shown.

A feature length film of America's No. 1 problem—unemployment—is in production. This film is designed to show some of the problems which society faces in its effort to find jobs for employable wage earners.

Mr. President, unless the Government maintains some agency or agencies to disseminate information about what the Government is doing, the people will soon be placed in darkness, where they will remain until some future Congress provides the funds to continue this educational program. It may be that some of the activities of the Government should remain in the dark; I will not discuss that proposition; but the good things that are being done should be made public.

Every appropriation bill carries funds for the dissemination of information, and the several agencies have decided that the film is perhaps the best means of getting their activities, their problems, and their remedies before the public. This particular agency is the one agency which makes this service available to the public.

Personally, I think perhaps we have two many agencies in the film business, but the action taken by the committee is not the way to attack this problem. If it is not desired by the Congress to have all these agencies, then a bill should be passed providing for the establishment of one or more Federal film agencies. Such agencies should be highly developed, so that any Federal bureau desiring the service of a film agency can make application to it, and have the film made by the best machinery available, by the most competent operators available, and have the production turned out in the best possible manner.

If I had handled the matter I certainly would have curtailed the activities of a number of agencies, and would have provided one or more high class, efficient, highly developed agencies, to which the bureaus of the Government might appeal for this service. Then, of course, if they showed the authorities that the particular thing wanted to be filmed was of public interest, the film might be made and distributed.

Mr. President, I submit the amendment is not subject to a point of order, because it merely increases an appropriation already carried in the bill. In the event the appropriation is made in the sum of $106,000 it will be spent exactly in accordance with the break-down in the Budget. Every dollar of the $106,000 will go exactly where the Budget specifies that it may go. I have placed the break-down in the CONGRESSIONAL RECORD. It is evident where the money will be spent. The Budget, as I stated, carries the item. Not only does the Budget carry the item, but the President—we do not quote the President very much on the floor—but the President, in a letter to the chairman of the Senate Committee on Appropriations, requested the inclusion of this item in the bill.

After the House rejected the appropriation and the bill came to the Senate, it was considered to be of sufficient importance, in the opinion of the President, to cause him to address the chairman of the committee and make a request that items covering this specific service be placed in the bill as an amendment.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LUCAS. Can the distinguished Senator from Oklahoma advise me what agencies, or how many other agencies of government, are using film service?

Mr. THOMAS of Oklahoma. About 27; but this agency is the central agency which keeps in touch with all the other agencies, and gathers together their films, and makes them available to the public.

Mr. LUCAS. Have appropriations heretofore been made by the Congress for the continuation of the other 27 agencies?

Mr. THOMAS of Oklahoma. Yes. This is the first one which has been attacked.

Mr. LUCAS. Why is there a distinction between this particular agency and the others, when appropriations have been made for all the others?

Mr. THOMAS of Oklahoma. I can tell the Senator the reason. In the other appropriation bills the appropriations have been concealed. Appropriations have been made for the distribution of material and the dissemination of information; and under that broad authority Departments other than this one have produced and distributed films. Unfortunately, the appropriation for this agency came before the Congress in a separate estimate.

It raised its head above the surrounding crowd; and the moment this agency raised its head where it could be seen the Senator from Tennessee [Mr. MCKELLAR] and others saw fit to take a shot at it. Otherwise, had this item been buried and concealed, I presume no one would have known that there was such an agency. No question would have been raised, the appropriation would have gone through, and we should all have been happy. But when the Budget Bureau submitted a special estimate for the United States Film Service, the House proceeded to consider it as a special department of the Government and held that it was not authorized to act as a special Federal agency.

In that opinion I concur. However, as a part of the Office of Education I construe the language of the basic act creating the Office of Education to be sufficiently broad to authorize the appropriation of funds to disseminate information by means of films.

Mr. LUCAS. Is this item provided for in the Budget?

Mr. THOMAS of Oklahoma. Definitely so. It is on page 131 of the Budget. The language is clear, and the break-down is complete. Of the $106,000, approximately $71,000 is for personnel throughout the country, and the remaining $34,000 is for equipment and material—very largely, I presume, for printing.

Mr. LUCAS. How long has this agency been using films, and how long has the Government been appropriating money for that purpose?

Mr. THOMAS of Oklahoma. The Government started in the film business in 1912. That was about the beginning of the film industry. As the film industry became more proficient and more popular, more agencies began to make films; and in 1938 the President organized the United States Film Service to make available to the public the films of the other 25 or 26 agencies. This agency is a clearing house. As I have said, it has produced two films, both of which have been very popular, but that is not its main function. Its main function is to act as a clearing house for the products of the other 25, 26, or 27 film agencies. This is the one which is sought to be denied.

Mr. LUCAS. How long has this particular agency been in existence?

Mr. THOMAS of Oklahoma. It was organized under the National Emergency Council. I think it was placed under that Council in 1938. Later, under the Reorganization Act, the President transferred it from the National Emergency Council to the Office of Education, under the Federal Security Administration.

Mr. LUCAS. And each year appropriations have been made for its continuation?

Mr. THOMAS of Oklahoma. That is correct, until this year, when it came out in the open, and Members of Congress began to shoot at it.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SHIPSTEAD. What are the various agencies which produce films?

Mr. THOMAS of Oklahoma. I have already put that information in the RECORD. Practically every Federal agency maintains a film service. I have already read into the RECORD a list of them.

Mr. SHIPSTEAD. Can the Senator tell us how much they spend for films?

Mr. THOMAS of Oklahoma. I do not know, because the items are covered by the phrase "dissemination of information." One hundred and six thousand dollars is asked for

this particular agency. If each of the other agencies is as expensive as this one the total is 27 times $106,000, or approximately $3,000,000. However, the items are covered up. We do not know where they are. It would require a Philadelphia lawyer, probably supplemented by some other lawyers, to go through the Budget and the appropriation bills and find out where the money is. The several departments would know, but the information is concealed.

Mr. SHIPSTEAD. Does not the Senator think the Congress should know?

Mr. THOMAS of Oklahoma. Yes. A while ago I stated that if I had this matter under my jurisdiction I should advocate legislation providing for the creation of a central film department or agency. I should have one agency, equipped with the best machinery, the best operators—producers, so to speak—the best material, and the best workmen to put the films in shape for public use. Then if the Interior Department, the Federal Housing Administration, or any other department, desired a picture made, it would make application to the central agency, in which event the central agency could send out an efficient machine and a competent operator with proper equipment, and turn out a good job.

Mr. SHIPSTEAD. Can the Senator tell us of other funds which are hidden in this way, so that Congress does not know where they go?

Mr. THOMAS of Oklahoma. Mr. President, earlier in this discussion I said that the Congress appropriates multiplied billions with respect to which the Congress has no knowledge of where the money goes, or what use is made of it. The items are concealed. Perhaps some Member of the Congress knows about one particular item, but the Congress as a whole does not know, because the items are not analyzed so that the Congress can know where they are. Even the members of the Committee on Appropriations, which recommends appropriations amounting to many billion dollars, and the committee itself, have no conception of where the money is to go. The items are concealed; they are covered up; and we do not know for what we are spending the money.

Mr. SHIPSTEAD. Does the Senator think it would be unreasonable for an analysis of such expenditures to be given to the Congress by the various departments, for the information of Congress?

Mr. THOMAS of Oklahoma. If some Member of Congress should see fit to prepare and introduce a bill on the subject, proposing to consolidate all film agencies in one Federal agency, hearings could be held, and all agencies having film services could be brought in to testify. The hearing would disclose the necessity for film agencies, and the kind of agencies needed; and from that hearing the Congress could develop the facts upon which it could act. However, in this instance we are presuming this afternoon to deny a distributing system for all such agencies, but the agencies themselves are to be continued.

No distribution system is provided. I am objecting to that procedure until we can understand the whole matter and the need for the whole thing. It occurs to me that so long as we are making appropriations to maintain the other 26 or 27 agencies, we should maintain this agency to make possible the distribution of the products of the other agencies to the people of the United States. The films are exhibited free of charge. The only cost is the expense of producing the film.

Mr. SHIPSTEAD. It seems to me the Committee on Appropriations should know where the funds go.

Mr. THOMAS of Oklahoma. I think I can answer that suggestion. The mind of man is not of sufficient caliber to fathom and analyze the expenditure of $8,000,000,000. It simply cannot be done. In the short time the Committee on Appropriations has to give to the matter, it is impossible for the committee to know where all the money goes. We have to depend upon someone to ask for the money and to see that it is wisely expended.

The best the committee can do is to go into the matter as fully as possible. When an item such as this shows up, of course, it should be given consideration. Had this item not appeared as a special item, no time would have been taken this afternoon on this issue, but when the Budget Bureau submitted it as a special item, for what appeared to be a special agency, that agency reared its head above the others, and it is getting the ax.

Mr. SHIPSTEAD. I do not want to reflect on the Appropriations Committee of the Senate, but I wish to say that this confession is an astounding and pathetic one. I hope the Appropriations Committee will come forward with some suggestions so that when funds are voted by the millions of dollars for unknown purposes they may be analyzed, and Congress may at least have some little understanding of where the money goes.

Mr. THOMAS of Oklahoma. Let me make another statement, answering an implied question from the Senator from Minnesota.

Mr. SHIPSTEAD. If I may complete my statement, we have been accused of issuing blank checks. The Senator's statement is the best evidence of the truth of that charge. I say again that I think it is a very pathetic state of affairs.

Mr. THOMAS of Oklahoma. Mr. President, each year the Treasury pays out many hundreds of millions of dollars in interest on the public debt and other payments. That sum is not carried in an appropriation bill, yet the Treasury Department pays interest items on the public debt and other indebtedness which the Congress has created.

I think such items amount to a billion dollars, or perhaps more than a billion dollars. They are not carried in an appropriation bill, but we must raise the money by taxation. The matter never comes before the Congress, yet the money appears in the general expenses of the Government. Those items of interest never come before the Congress, which includes, of course, the Senate.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield to the Senator from Ohio.

Mr. TAFT. Is the Senator advised as to the kind of organizations to which the films are distributed?

Mr. THOMAS of Oklahoma. They are distributed to any one who applies for them—mainly to and through high schools, colleges, public schools, lodges, churches, and various other groups.

Mr. TAFT. Is it not true that they are also distributed to motion-picture theaters?

Mr. THOMAS of Oklahoma. I cannot answer that question definitely. I think some of the pictures are distributed to motion-picture theaters.

Mr. TAFT. I suppose the Agricultural Department distributes films to granges and other farm organizations of various kinds.

Mr. THOMAS of Oklahoma. That is true.

I will say, Mr. President, that if this appropriation is denied, in my judgment there will be complaints from various organizations which have heretofore received films, but which hereafter will not receive them.

Mr. TAFT. Mr. President, this amendment is in the form of an increase in existing appropriations. Of course, it is in that form, for if it were presented in the form in which it was presented in the House of Representatives, it would be subject to a point of order, for no legislative authority can be found for the function being performed by the United States Film Service. The Film Service started originally in the Resettlement Administration, which produced the picture called The Plow That Broke the Plains, in June 1935.

The Farm Security Administration produced a film called The River, and the last production by the United States Film Service is called The Fight for Life, to which the Senator from Oklahoma referred, a film which cost $150,000, the money coming largely out of relief funds but partly out of this appropriation.

This has not been a distribution agency only; that has been one of its functions; but I am advised that many of the Government departments still distribute their own films to those who are particularly interested in certain subject matter.

The question here is whether or not we want to continue this agency. The employees are set out in the House hearings

on page 288, and they include an Assistant Director, a chief of distribution, and various other officers, some connected with distribution and some connected with production. For instance, last year, one man, the Director, received $10,000; then there was a production consultant at the rate of $25 a day, who got altogether $9,000; a technical consultant also at $25 a day, who likewise actually received $9,000. So far as I can see, the Department has been much more interested in the question of production of these large films than it has been in the distribution of films. I think it is perfectly clear that there is no legislative authority for that particular function.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. McKELLAR. Something has been said about how far back this has gone on. I read from a letter of the President of the United States dated July 1, 1939. He says:

On August 13, 1938, I directed the executive director of the National Emergency Council—

Which is a temporary organization—

to coordinate the production, distribution, and exhibition of motion picture dramatizing certain aspects of the work-relief program, in order that these functions might most effectively and economically serve the purposes for which the films were instituted. Under the authority of that letter, and of my letter dated September 20, 1938, the United States Film Service was established as a division of the National Emergency Council for the purpose of coordinating the motion-picture activities of the Federal Government.

I read that for the purpose of showing that this was all temporary and not authorized by law. It was merely for the purpose of that temporary emergency council and was a function directed by the President to be performed by that temporary activity. So it has not been established for a long time—that is, insofar as the Members of Congress knew about it—and it is only recently that we found out about it at all.

Mr. TAFT. Mr. President, the section to which the Senator from Oklahoma referred as authority for the Department of Education doing this character of work provides that that Department's functions are:

To collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school systems, the methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

The Office of Education, in other words, only has to do with the study of methods of education. To promote the cause of education is a general term. If it is broad enough to cover the production of a film such as this, and the distribution of motion pictures, it is broad enough to authorize the Department to establish schools in every county and every city in the United States. Those words obviously are simply intended as a general catch-all clause to carry out the specific functions of the Office of Education in studying the problems of education and assisting the general educational systems of the United States. I do not see that there is any possible authority in law for this proposal, and I somewhat doubt whether, even if the amendment should be adopted, the Comptroller General would permit the money to be used by the Office of Education for any such purpose.

Mr. President, I do not know about the use of films in many of the departments. I cannot say that they are not useful. I should think it might be somewhat questionable whether a film showing the general method of getting rid of rats, referred to by the Senator from Oklahoma, is the best way to teach people to get rid of rats. I should think there might be much more effective methods and that, perhaps, it would be a waste of money to send films of that kind around the country.

I doubt somewhat the value of a film put out by the Department of Agriculture called Better Days for Dixie, an animated cartoon illustrating the function of the A. A. A. program in the Cotton Belt.

I believe the whole business has been greatly expanded beyond any real value in relation to the functions of the Federal Government. There may be cases in which the use of films is the proper method. I think particularly that farm organizations can use films on particular technical subjects. Perhaps a farmer can be taught things about his farm by pictures better than by instruction by books and direct literature, but I somewhat doubt it. Insofar as films are used simply for general education to provide moving pictures for everybody, I think it is far beyond the functions of the Federal Government, and it is particularly dangerous when films are produced which only in a general way illustrate functions of the Federal Government.

I do not care who is controlling the Government, if it is to produce films and put them out, they are bound to become propaganda for the particular department and the particular work of the department that happens to be covered by the film. There are many instances in literature actually disseminated to show that when such power is given it is used for propaganda purposes, and it is bound to be so used. If the Republicans were given power, it would be used to advance particular measures in which they might be interested. It is true, certainly, also of the present administration.

The pamphlet Study Guide, "The River," United States Documentary Film, describes what a United States documentary film is. That is the kind of film that the Film Service puts out. The River is really in behalf of the cause of conservation, which is a worthy purpose. It is said to be "a persuasive indictment of our practices of the past, together with a dramatic presentation of what we should do in the future" if we are to avoid the disasters of soil and lumber loss and the effects of floods. I notice in a booklet issued by the Federal Security Agency that—

The Russians found this new film form admirable for use in the U. S. S. R. Such epics as October, Potemkin, and Turksib represent some of the best work of the Russians.

In other words, a United States documentary film is a United States propaganda film. I do not care how good the purpose of that kind of a film may be, I do not believe it is an undertaking in which the Federal Government should engage. It may encourage private citizens to do it. There certainly is no objection to some kinds of propaganda by private organizations, but the Federal Government itself ought to stay out of it. For instance, if we offer a service such as the national parks to the people, I do not see why the Federal Government should be engaged in advertising to everybody in the country where all those parks are located. We ought not to have to spend money sending out films to do so. If the parks are not worthy of the attention of the people, and if they do not get attention on their own merits, I do not believe that additional propaganda advertising by the Federal Government is going to make them any more attractive.

The Fight for Life is a picture showing the experiences of a young interne in delivering babies in the slums. It is probably good from an artistic point of view, and probably teaches correctly a great social lesson. However, all it does and all it is intended to do is to convince audiences that slums should be removed, and by a particular program, I might say, or that there should be better medical care for the poor, and by a particular program. The Fight for Life cost over $150,000 of relief money, and no relief workers were employed to produce it. One scene in the picture shows a person getting food from a garbage can. It occurs to me that $150,000 spent in seeing that the man got proper food instead of illustrating a picture of a man getting food from a garbage can would be a more effective use of the particular $150,000.

The Children's Bureau in the Department of Labor has a film called Prenatal Care. It is a picture that is related directly to the subject of the proper method of taking care of babies and the proper method of delivery. It probably cost about $1,000, instead of $150,000 for the other technical picture, and is probably of at least as much educational value. The other kind of film is a propaganda film. I do not care how good the subject is, or how good the purpose for which that particular film is being used. That is the whole issue here.

We find the same kind of thing in a number of books. Here is a book called Let Freedom Ring, with radio script. When one reads it through, it is found to be propaganda for particular things. In some cases it is entirely shameless.

I notice in one case a character called Prindle, the next Republican Congressman, and then there is a note in the book which says that Prindle should be portrayed as the typical politican, hand-shaking, backslapping, and so forth. It is propaganda to show that every party—the Communist Party and every other kind of party—should be allowed to go on the ballot with a very small percentage of the total vote. Correct perhaps, but why should the Federal Government take a position on a Florida statute.

There are other scripts. There is one relating to the conviction of Mooney and the pardoning of Mooney, in which, of course, the person who believes that Mooney should have been released on a writ of habeas corpus is given by far the best of the argument.

Those are only examples. This whole business of film service and radio service for the Government not only has been used for purposes of propaganda, but it is bound to be so used. I believe that when we have a chance to vote on it—and this is the first chance we have had to vote on this kind of thing—we ought to say to the bureaus of the Government that the time has come when they should attend to their particular business, and they should not be out spreading propaganda. We should not provide money to stir up our constituents to come and lobby with us to do the things which we ought to do without any lobbying and without any propaganda.

Mr. McKELLAR. Mr. President, I am very anxious to have a vote on this amendment; and I shall take only a moment or two to state to the Senate what the proposal is.

Fortunately, we put in the record the functions of this central organization, which was apparently set up in a temporary agency in 1938.

1. To study Government motion-picture activities with a view to making recommendations for improvement of quality of product and methods of distribution.

I doubt the efficacy of that, and I cannot see any reason for it.

2. To compile, from the best Government products, a film library under topical organization which would be of great value to educational institutions.

I imagine they already have that. Why set up this establishment for that purpose?

3. To continue distribution of the documentary films, The Plow That Broke the Plains, and The River.

Those two films have been seen by the entire country, and I doubt whether there is any reason for continuing their distribution.

4. To operate a relay system of servicing schools with all films through the National Emergency Council as central clearinghouse.

I see no reason for that.

5. To provide a central information office on all Government film activities.

This is the first time films were ever known to be made of governmental activities. No money was appropriated for that purpose. Such moneys as have been used for it were secretly used under appropriations made for other purposes. The money appropriated for those purposes was transferred to the film industry.

6. To provide publications and study aids to schools and colleges, which would improve the usefulness of Government films.

"Of Government films!"

7. To act as a service agency for the production of high quality documentary films comparable to The Plow That Broke the Plains and The River.

8. To act as consultant to all Federal agencies on matters of production and distribution for purposes of improving movie activities.

9. To act as a liaison between the Federal Government and the theatrical motion-picture industry.

Mr. President, I very much doubt whether there is constitutional authority for those things. It will be remembered that Mr. Jefferson advocated an amendment to the Constitution to give the Federal Government jurisdiction of education. At present there is no such provision in the Constitution. If we are going into the moving-picture business, as outlined by the Senator from Oklahoma [Mr. THOMAS], a bill for the purpose should be introduced and passed. Let us see exactly what we are doing. When we appropriate money, let us not appropriate it without knowledge on our part of the purposes for which it is to be used. Let there be no dissimulation in the matter of appropriation.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield to the Senator from Indiana.

Mr. MINTON. The Senator from Ohio [Mr. TAFT], who is one of the outstanding candidates for the nomination for President on the Republican ticket, running every day, expressed some concern about this movie activity on the part of somebody, perhaps the Government, propaganda movies. I wonder if he is concerned because he fears competition with the G. O. P. movies that we read about in last week's News Reel.

I see that last week's News Reel features G. O. P. movies that depict boys out in the barnyard who are very much puzzled about the New Deal administration. They cannot quite figure it out. I wonder whether or not the Senator from Ohio has any concern about the competition that might come to the Government from the G. O. P. movies that are being shown, or will be shown, out through the country.

Mr. McKELLAR. Mr. President, I hope this question will not be settled on any political basis. I think this is an appropriation which ought not to be made.

First, the House committee refused to appropriate for this purpose. Then the House itself refused to appropriate for this purpose. Then the Senate committee refused to appropriate for this purpose. We found all these concealments of the use of appropriations for this purpose, apparently of the most studied kind. I have been able to find only one department—and I have made a somewhat careful examination—which has ever come out in the open in regard to this matter, and that is the Department of Agriculture.

That Department did ask for some $46,000 for use in making films of certain things within its jurisdiction. Every other one of the 27 Government agencies has concealed the use of money for this purpose. It has been consistently concealed through all these years, if it has been done through all these years. It has now for the first time come out in the open; and it comes out for the purpose of consolidating all the other agencies that have grown up secretly, without specific appropriations.

If it is right that we should have moving pictures in the Government service, then, for heaven's sake, let someone who believes it is right introduce a bill directing what organization there shall be, what it shall do, how it shall be done, and the amount of money to be appropriated for doing it. Whenever that is done, I am quite sure the Appropriations Committee of the Senate will be willing to appropriate the money. Certainly I hope, however, this amendment will not be adopted; and when we receive information as to the activities along this line in the other departments we will look after them when the bills providing for them are before us.

Mr. ASHURST. Mr. President, the one attitude I desire not to occupy would be one that might be construed as other than friendly to motion or sound pictures. I am of the opinion that the drama is the dearest to the people of all the arts save music.

Mr. McKELLAR. Mr. President, may I interrupt the Senator?

Mr. ASHURST. Certainly.

Mr. McKELLAR. I do not want to be put in that attitude, either, because the Senator knows that I am one of the most consistent and regular attendants on the moving pictures of this city and of my home city. I know the Senator from Arizona feels the same way about the matter, because I frequently meet him at moving-picture theaters.

Mr. ASHURST. The able Senator from Tennessee is, as usual, correct.

As I was about to say, the drama is coextensive with the people; and of all the arts save music, it is probably the dearest to the human race. The stage is akin to poetry in that it is a great expression of human emotion. The stage is a vision of the romance inseparable from every human life; it is a magical place, breathing the inspiration of color and sound; a place for high thoughts, splendid truths, and beautiful words, for objects vividly observed and gorgeously imagined. The Senator from Tennessee and I are probably the Senate's greatest movie "fans." I will say in passing that it requires courage to take the position which is taken by the Senator from Tennessee on measures looking toward reducing appropriations; but I arose to talk about the subject as presented in another phase.

No one will overtly assail the Bill of Rights. No one will make a direct attempt to overthrow our system of government; such attempts, if made, will be by indirection. The small foxes will gnaw the vines. It will be done by silent, secret, almost unobserved attrition.

I do not recall who said this, but whoever did uttered a truism, to wit, that the time to resist the aggressor is when you locate him, and the time to resist aggression is when aggression is made.

The honorable Secretary of the Interior—and I mention his name with respect—on April 20 issued order No. 1472, reading as follows:

Before any motion or sound picture may be filmed, except by amateurs and bona fide news-reel photographers, on any area under the jurisdiction of the Department of the Interior (except on areas administered by the Office of Indian Affairs, where the taking of sound and motion pictures shall be governed by the special provisions set forth below), authority must first be obtained, in writing, from the official in charge of the particular area involved. Application for such authority should be submitted substantially in accordance with the attached form.

More bureaucracy. Silently, quietly, sedately, and quite successfully taking away from Congress the authority and the power which constitutionally belongs to Congress—

Charges shall be made only for the taking of feature motion or sound pictures involving sets, professional casts, and technical crews.

The amount of the fee to be paid or of the donation to be made shall be determined in each case by the proper official in accordance with the following formulas:

I. On areas administered by the General Land Office, the Bureau of Biological Survey, the Bureau of Reclamation, and the Grazing Service:

A fee of $100 for each motion or sound picture, where the cast comprises more than 25 persons, without regard to the equipment used or the time or extent to which the area is to be utilized.

II. On areas administered by the Office of Indian Affairs:

In all cases throughout the Indian country any maker of pictures, including Government employees on tribal lands, must consult the superintendents beforehand. Limitations which they may impose must scrupulously be regarded.

The photographing, for whatever purpose, professional or amateur, commercial or otherwise, of (1) ceremonial performances, dances, etc., and (2) places or persons within any of the pueblos of New Mexico and Arizona is subject to the consent of the governing officers of such pueblo.

In the case of the pueblos of New Mexico, where consent, in writing, by the governing officers of a pueblo has been obtained and has been registered with the superintendent in charge of the jurisdiction, a permit from any other source is not requisite.

Any charges made by the Indians and any schedules of wages or salaries to be paid to any Indians who may be employed by the permittee must be approved by the superintendent or other official in charge of the area or areas involved.

III. On areas administered by the National Park Service:

Fifty dollars per day for a cast of less than five persons, and when domestic animals, equipment, or sets are or are not used.

Two hundred and fifty dollars per day for a cast of 5 to 25 persons, and when domestic animals, equipment, or sets are or are not used.

Five hundred dollars per day for a cast of over 25 persons, and when domestic animals, equipment, or sets are or are not used.

There is other matter in the order which I need not now read.

Mr. President, if a bill giving the Secretary authority to issue such an order as this should come before Congress, I should vote against it. Does Congress desire to transfer to the Secretary of the Interior such power?

Do the Members of Congress wish to sit here as staid statues while the Secretary of the Interior usurps power? Under what law does the honorable Secretary presume to claim authority to make such charges. The honorable Secretary presumes, and probably correctly presumes, that we have for so long, under the guise of some sort of an emergency, been silent and acquiescent as to these aggressions, these assumptions of power.

Mr. President, the policy of a free government should always be, yield nothing to aggressors. The time to resist aggression is when aggression is made.

I recently offered a resolution asking the Senate Committee on Public Lands and Surveys to make an inquiry to ascertain under what law the Department of the Interior may charge fees, be they large or small, to make motion or sound pictures on lands under the jurisdiction of the Department of the Interior.

Mr. President, to permit the Secretary of the Interior to charge such fees without authority from Congress, is what might be called short-circuiting the appropriating power of Congress or the power to levy and collect taxes. If the Secretary of the Interior possesses the power to levy a fee of $5 a day or $100 a day, we do not need a Congress to make appropriations for carrying on the functions of the Federal Government. Nothing is said in the order as to the likelihood of the continuance of this order, or a possible increase in the fees, as the Secretary may desire.

Mr. President, I measure my words when I say, examine the record of bloody Joe Stalin and you cannot find such an arbitrary, unnecessary, irritating order as to lands.

Under what provision of the Constitution does the Secretary claim the power to levy a charge for making sound or motion pictures on the lands of the United States? There are some good lawyers in the United States Senate. True it is, that after useful men are gone their fame increases. Lord Bacon well said that worthy men receive their abuse during life and their praise and fame after death. But I believe that in the Senate today there are lawyers just as able as the lawyers who served here in bygone days, and there is not a lawyer here who will give it as his opinion that the Constitution gives the Secretary of the Interior the power to enforce such an order as this one. It is wholly ultra vires and void, it is offensive, and in my judgment Congress will sink to a low estate if such orders are allowed to be promulgated and enforced without authority from Congress.

It may be that I exhibit a little heat in this matter, because the moving picture is so dear to my heart, but if this order were directed at an object or an energy in which I had no interest or sympathy I should still feel it my duty to protest.

Mr. President, for more than 50 years unnumbered thousands of persons have been charmed by the melodious airs and the clever rhymes of the Gilbert and Sullivan light operas, and within the past 4 or 5 years millions of persons throughout the West have been charmed by the friendly rivalry going on between the Secretary of the Interior and the Secretary of Agriculture as to which should have this or that jurisdiction, and which department should be entitled to have a courtesy title placed on a sound or motion picture taken on lands belonging to the United States.

Those who sing melodious airs or write clever rhymes relieve the tedium of life, and next to Gilbert and Sullivan's light operas, the opera bouffe conducted by and between the Secretary of the Interior and the Secretary of Agriculture as to who shall have credit for this or that, and who shall administer this or that function, rivals Gilbert and Sullivan's light operas. [Laughter.]

Mr. President, I am informed—I am informed by gentlemen upon whose sagacity and judgment I have been accustomed to rely—that the honorable Secretary of Interior saw a picture that had been filmed on lands under the jurisdiction of the Secretary of the Interior, but the courtesy line of which gave credit to the Secretary of Agriculture. Forthwith the Secretary of Interior set to work to see what he could do toward having the proper courtesy titles placed

on such pictures as are taken on lands under his jurisdiction. Indeed, the order contains, among other things, the following language:

And, on condition that the permittee shall give credit to the Department of the Interior in an appropriate courtesy title if any of the scenes photographed are used in travelogs or motion pictures taken for educational purposes.

Mr. President, I am not going to try to belittle the efforts of the Secretary of the Interior, I am not in any sense muckraking, such a performance does not appeal to me. The honorable Secretary was a success in the Republican Party; he was a success in the Progressive Party; he is a success in the Democratic Party. [Laughter.] So far from feeling any resentment toward the Secretary, I respect his ability. He is a clean man. I do not believe that an unclean penny has ever clung to his hand or will ever cling to his hand. But, it is not sufficient to say that a man is honest. He must also be willing to be guided by reason and law.

When I say that a Senator is honest, that is taken for granted—or ought to be. [Laughter.] I may say that a public man is honest, but that is certainly taken for granted. That, however, is not the whole question. The question also embraces: Is he coherent? Is he fair? Does he obey the Constitution? Is he seeking unauthorized power? I have said here, and I say again, that with the possible exception of alcohol, power enlarges the ego more than any other thing. Power is the headiest wine known. You may select a modest man; temperate, well raised, cultured man; select if you will one who is excessively modest; given power enough he will develop and create an appetite for more and more power. The more power you grant, the more power will be demanded, and the reason I inveigh today against this order issued by the honorable Secretary of the Interior, who is presuming to say by his ipse dixit what shall be done with the lands of the United States, is because the power to say what shall be done with lands of the United States is by the Constitution lodged with Congress.

If the Congress desires to charge $500 a day for the privilege of taking pictures on the public lands, so be it.

If the Congress desires to charge $50 a day for the privilege of filming the ground upon which the Capitol Building is located, that would be execrably bad taste, but it would be lawful. There exists no man in the Government whose ipse dixit can require the charging of a fee for taking pictures of the Capitol Building or of the Supreme Court Building, and so forth.

I shall appear possibly at unwelcome times before the Senate Committee on Public Lands and Surveys and before the Committee to Audit and Control the Contingent Expenses of the Senate, to urge an appropriation of a small sum to investigate the legality and propriety of this order of the Secretary of the Interior.

This question may seem small, Mr. President. Senators may say, Why, in these closing hours of Friday afternoon, vex and harass the Senate with such questions? Mr. President, great questions arise from small ones.

Mr. President, throughout our lifetime we hear of the fall of the Roman Empire, and we are told that the barbarians came down from northern forests and eastern plains and overwhelmed the Roman Empire. We hear that until it becomes trite. No such thing happened. The barbarians of the north or the east did not come down and by prowess, strength, and valor overwhelm the glittering culture of the Roman Empire. The Roman Empire grew so internally weak and corrupt, the Roman rulers grew to be so grasping for power, the Empire grew so devastating in its raids upon the individual citizens of the Empire that when the men from the north and the east came to invade the Empire the Roman soldier did not fight. He did not flee. He simply said to the invaders, "Come and take us. We would be happier under the barbarians of the forests of the north and the plains of the east than we are under the tax gatherers here in Rome."

Mr. President, I am not predicting the fall of any government. But I am saying that we have a solemn responsibility here to see to it that these small things that insinuate themselves into a government, that destroy a little liberty here, that add a little more arbitrary power to a bureau there, shall be stopped in their tracks.

Mr. President, in order that my remarks today, which are rather disjointed, shall not be merely a brutum fulmen—a harmless thunderbolt—I shall offer an amendment to this bill. Doubtless it is subject to a point of order, and I am frank enough to say so; and if a Senator sees fit to make the point of order, he will be secure from my prejudice; but it is my duty to offer it. It is as follows:

Provided, That no fee, rental, commission, or charge shall be levied or collected for taking and filming of sound or motion pictures on lands belonging to the United States within the jurisdiction of the Department of the Interior and administered by the General Land Office, the Bureau of Biological Survey, the Bureau of Reclamation, and the Grazing Service.

Mr. McKELLAR. I was going to suggest that that will not be in order until after the pending amendment is acted upon.

Mr. ASHURST. The Senator from Tennessee is correct.

Mr. President, to use the phrase of a celebrated phrase maker, Theodore Roosevelt, I wish not to occupy the attitude of muckraking anybody. I have already testified to the personal respect I bear to the Secretary of the Interior. I think when many of us are forgotten he will be remembered as an able, courageous official. But neither ability nor courage is an apology for an attempt to usurp authority.

There is no attribute of a man that is an excuse or an alibi for the usurpation of power. We are the guardians of power. If we were the treasurers of our respective counties it would be our duty to guard the county funds. We are here in charge of something surely as precious as the funds of any county. We are here as the guardians of the rights of the people of the United States and we must begin to resist these aggressions by departments.

The fact that some aggression upon the rights of citizens is made, is not dignified or strengthened forsooth because it may be made by an able, prominent Cabinet member, a President, or a court.

Therefore, Mr. President, I say again that at the appropriate time I will offer this amendment. I ask to have printed in the RECORD at this point a copy of the order of the honorable Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

The order is as follows:

ORDER NO. 1472

UNITED STATES DEPARTMENT OF THE INTERIOR,
Washington, April 20, 1940.

Order No. 1445 of February 7, 1940, is hereby amended to read as follows:

Before any motion or sound picture may be filmed, except by amateurs and bona fide news-reel photographers, on any area under the jurisdiction of the Department of the Interior (except on areas administered by the Office of Indian Affairs, where the taking of sound and motion pictures shall be governed by the special provisions set forth below), authority must first be obtained, in writing, from the official in charge of the particular area involved. Application for such authority should be submitted substantially in accordance with the attached form.

Charges shall be made only for the taking of feature motion or sound pictures involving sets, professional casts, and technical crews.

The amount of the fee to be paid or of the donation to be made shall be determined in each case by the proper official in accordance with the following formulae:

1. On areas administered by the General Land Office, the Bureau of Biological Survey, the Bureau of Reclamation, and the Grazing Service:

A fee of $100 for each motion or sound picture, where the cast comprises more than 25 persons, without regard to the equipment used or the time or extent to which the area is to be utilized.

II. On areas administered by the Office of Indian Affairs:

In all cases throughout the Indian country any maker of pictures, including Government employees, on tribal lands must consult the superintendents beforehand. Limitations which they may impose must scrupulously be regarded.

The photographing, for whatever purpose, professional or amateur, commercial or otherwise, of (1) ceremonial performances, dances, etc., and (2) places or persons, within any of the pueblos of New Mexico and Arizona, is subject to the consent of the governing officers of such pueblo.

In the case of the pueblos of New Mexico, where consent, in writing, by the governing officers of a pueblo has been obtained and has

been registered with the superintendent in charge of the jurisdiction, a permit from any other source is not requisite.

Any charges made by the Indians and any schedules of wages or salaries to be paid to any Indians who may be employed by the permittee must be approved by the superintendent or other official in charge of the area or areas involved.

III. On areas administered by the National Park Service:

Fifty dollars per day for a cast of less than 5 persons, and when domestic animals, equipment or sets are, or are not, used.

Two hundred and fifty dollars per day for a cast of 5 to 25 persons, and when domestic animals, equipment, or sets are, or are not, used.

Five hundred dollars per day for a cast of over 25 persons, and when domestic animals, equipment, or sets are, or are not, used.

Where an area administered by the National Park Service is involved, the charge shall be paid in the form of a donation to the national park trust fund.

GENERAL

Permission to take a motion or sound picture will be granted by the proper field official in his discretion and on condition that the permittee shall furnish a bond, or make a deposit in cash or by certified check, in an amount to be set by that official, to insure against damage to the area involved and to assure a clean-up after filming has been completed; on condition that the permittee shall refrain, in accordance with the act of the Congress approved on March 3, 1917 (39 Stat. 1106), from offering any gratuity of whatsoever nature to any employee of the Government in connection with the exercise of the privilege granted; and on condition that the permittee shall give credit to the Department of the Interior in an appropriate courtesy title if any of the scenes photographed are used in travelogs or motion pictures taken for educational purposes.

Motion or sound pictures of wildlife on any area administered by a bureau or division of the Department of the Interior shall be permitted only when such wildlife is shown in its natural state.

When a feature motion or sound picture is to be filmed, the official in charge of the area concerned shall report to Washington immediately, through channels, that a permit authorizing it to be taken has been issued and its terms and conditions.

Upon completion of the filming by the permittee, it shall be the duty of the official in charge of the area to submit a full report to Washington, through channels, specifying the number of days the filming required, and giving, in general, the scope of the picture and the manner in which it was taken.

A copy of the approved application, accompanied by a copy of the required bond or by a statement that a deposit has been made, shall accompany the report.

HAROLD L. ICKES,
Secretary of the Interior.

Application for permission to take a motion or a motion and sound picture under Department order No. ------, dated ------, ------

Date ------.

To the ------ (title) ------, ------ (area) ------:

According to the authorization of the Secretary of the Interior contained in the above-mentioned order, it is proposed, with your approval, to film a motion or a motion and sound picture in the above-named area under the conditions stated in order No. ------, the scope of filming and manner and extent thereof to be as follows (an additional sheet should be used if necessary):

1. We will commence filming on or about ------, and estimate it will take approximately ------ days, weather conditions permitting.

2. If any of the scenes filmed are used in travelogs or for use in motion pictures for educational purposes, credit will be given to the Department of the Interior in an appropriate courtesy title.

3. The filming will be strictly in accordance with the applicable regulations of the Department of the Interior, and we will abide with any special instructions given to us by the official in charge of the above-named area. In addition, we will exercise the utmost care to see that no natural features are injured and that the area is left in a condition satisfactory to the official in charge of it.

4. We will refrain, in accordance with the provisions of the act of the Congress approved on March 3, 1917 (39 Stat. 1106), from offering any gratuity of whatsoever nature to any employee of the Government in connection with the exercise of the privilege herein authorized and will furnish to the official in charge of the above-named area, upon request, any additional information relating to the taking of the motion or motion and sound picture covered by this application.

------ (Applicant) ------

Approved: ------ (Date) ------. For ------ (Company) ------

Fee or donation: $------; ------ (title) ------- ------- ------- (address) -------.

Bond requirement $------. ------ (area) -------.

Mr. LODGE. Mr. President, as a member of the subcommittee which considered this appropriation it may be incumbent upon me to say a brief word giving the reasons why I support the position of the Senator from Tennessee in opposing an increase in this appropriation for the film and radio service of the Office of Education. I am impressed that the authority for it is doubtful. I was struck during the hearing by the following statement made by the Senator from Tennessee on page 238:

Mr. Jefferson very early and actively supported an amendment, tried to get an amendment through, putting the education of the people within the Constitution, so that the National Government could take a part therein; but it was voted down. The country has never agreed to that.

I also am impressed by the fact that there is very little of this work which could not be done just as well, if not better, by the existing private industry. Dr. Studebaker, responding to a question of mine on page 150 of the hearings, in which I asked him to describe the nature of these radio programs, stated as follows:

Dr. STUDEBAKER. We have had for the past 4 years now educational programs. The first was Education in the News, in which we attempted each week to give to the people of the country news about organized education.

Another one was a program called Have You Heard? It was on the scientific developments as revealed in the functions of various governmental agencies.

Another one, which might be regarded as a forerunner of Professor Quiz and Information Please, was a little program in which we experimented with a new technique. It was called Answer Me This. It was a question-and-answer technique in educational radio.

Mr. President, referring to that illustration, I think anyone who has listened to Information Please on the radio, or who has listened to Professor Quiz, or to any similar programs, knows that that is a field of activity in which participation by the Government is simply superfluous. In my judgment the reasons for radio programs and film programs fall into two categories. Either they are under the heading of entertainment or they are under the heading of education. I do not believe any Senator will support the contention that it is the business of the Government to go into the field of entertainment. So far as education is concerned, I heartily agree with the Senator from Tennessee that that is a matter which ought to be done directly. If the Government of the United States is going to put out a propaganda film endeavoring to show that the Republicans are good and the Democrats are bad, or vice versa, it ought to be done subject to a considered and deliberated and matured policy.

In my judgment a bill on the subject should be introduced, and we ought to approach this question in a direct way, and not in a furtive way.

I personally have great doubt of the wisdom of placing the Government in the educational field at all, but certainly if we do place it in that field we ought to do so with our eyes open.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. THOMAS].

Mr. THOMAS of Oklahoma. Mr. President, my amendment seeks to increase the item for the Office of Education in the sum of $106,000. The money is to be spent to maintain the United States Film Exchange for the distribution of the films made by the several Federal agencies. The item is budgeted. The Budget is broken down into specific items; so, if the amount is increased, the money will be spent in accordance with the outline or break-down of the Budget Bureau.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. There has been considerable discussion of a general nature about the film business, but it seems to me that some information is still lacking as to the details of this work.

The Senator from Arizona [Mr. ASHURST] spoke of charging a fee, about which I know nothing, and upon which I shall make no comment. However, it has always been my understanding that these films have been used to advise the people of the activities of agencies of the Government. As I understand, the activities to which the Senator has referred and to which his amendment applies are not commercial activities. There is no question of any rivalry or competition with private films. With two exceptions I believe no

plays have been made. I recall the picture which I believe was called The River. There is one other, which I suppose hundreds of thousands of people saw and enjoyed, and which enlightened them with respect to a certain activity of our Government.

Am I correct in assuming that the $106,000 carried in the Senator's amendment is for an exchange or clearing house for all film activities of the various departments, and that its expenditure would be limited to the dissemination of information to the people as to the activities of Government, as displayed in pictures? Is that correct?

Mr. THOMAS of Oklahoma. I think the Senator has correctly analyzed the amendment. I am sure the motive behind the amendment is as stated by the Senator from Kentucky.

The picture entitled "The River" showed the devastation of property and human life by floods. No doubt that picture was devised by someone as an excuse for building levees or showing the necessity for building levees and other flood-control works so as to prevent the exact condition which is shown in the picture. It may be a justification for the enormous expenditures which we incur in building levees, dikes, ditches, and dams for the control and prevention of floods. As explained by the Senator from Ohio [Mr. TAFT], the picture entitled "The Fight for Life" is certainly a matter of general interest to many people in the country.

I do not agree with the Senator from Tennessee that the Government should not carry on any sort of service through films. It is my opinion that we can reach more people more effectively through a display of certain scenes or activities by films than in any other way. The people can sit in places where they are comfortable, and see something which is interesting. At the same time they can learn a lesson from the film. I entirely disagree with the statement that the Government should cease such activities.

Mr. BARKLEY. Mr. President, will the Senator yield for another question?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. Are the films which are produced by Government agencies, portraying Government activities of various kinds, shown in public theaters throughout the country as a part of the program?

Mr. THOMAS of Oklahoma. That is true.

Mr. BARKLEY. Or are they shown only in auditoriums where the Government is in control, as in Washington?

Mr. THOMAS of Oklahoma. I am advised that they are often shown in connection with commercial films; but they are labeled, and the public understands that they are Federal or national products.

Mr. BARKLEY. I am almost as devoted a motion-picture fan as are the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Arizona [Mr. ASHURST]. I enjoy motion pictures. They are now almost our only form of theatrical entertainment. In order to see a real play we must go to New York, unless a play comes to Washington to be tried out on us, later to go to New York and elsewhere if it is successful. However, the motion picture is now about the only form of entertainment we have from the theatrical viewpoint. I recall on numerous occasions having seen some of the educational pictures which have been thrown on the screen as a sort of prelude to a picture produced by a commercial motion-picture company. I have always derived considerable information and inspiration from such pictures. As a rule, I think no American citizen can observe one of these pictures without feeling somewhat proud of the activities of the Government. It may be more enlightening and more entertaining than merely reading about it in a book, pamphlet, or newspaper.

I think there is much to be said for the suggestion that the Congress ought to know more about what is being done with the money it appropriates. It may be our fault, and probably is our fault, that that matter has not been inquired into heretofore; but it is a little difficult for me to make up my mind to hit at this one agency, which, so far, is the only one that has come out into the open by asking for an appropriation. The appropriation is recommended by the Budget Bureau, and is requested by the President, who has approved the Budget and sent it to Congress. If we could overhaul all the film agencies at one time in one bill, so as to know what is going on, it might be a good thing to do; but I hesitate to do it with respect to this particular agency, especially when it is designed to coordinate all the activities of all the film-producing agencies of the Government.

For that reason I feel very much inclined to support the Senator's amendment.

Mr. THOMAS of Oklahoma. Mr. President, the Senator from Kentucky has used the word "coordinate." I desire to read one paragraph from a letter addressed to the chairman of the committee, the senior Senator from Virginia [Mr. GLASS], and signed by the President. The letter is dated April 18, just a few days ago. This is the reason the President gives for requesting that the Senate place this item in the bill:

> The continuance of such services in the Office of Education is of particular importance in order to provide for the proper coordination of these activities. The continuance of the film service is of importance to the State Department at this time as indicated in the attached letter of the Under Secretary, dated April 10, 1940.
>
> I, therefore, urgently request that these items which were eliminated by the House be restored.

I rise at this time merely to advise Senators who came into the Chamber after the amendment was offered what the amendment is.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Lodge	Schwellenbach
Ashurst	Danaher	Lucas	Sheppard
Austin	Davis	McKellar	Shipstead
Bankhead	Ellender	McNary	Smathers
Barbour	Frazier	Mead	Smith
Barkley	George	Miller	Stewart
Bilbo	Gerry	Minton	Taft
Bone	Gillette	Murray	Thomas, Idaho
Brown	Gurney	O'Mahoney	Thomas, Okla.
Bulow	Hale	Overton	Thomas, Utah
Byrnes	Hayden	Pittman	Truman
Capper	Hughes	Reed	Wagner
Caraway	Johnson, Calif.	Reynolds	Wheeler
Chandler	Johnson, Colo.	Russell	White
Clark, Idaho	King	Schwartz	Wiley

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS]. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCNARY (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the junior Senator from Vermont [Mr. GIBSON], and will vote. I vote "nay."

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if he were present he would vote as I shall vote, so I am at liberty to vote. I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I am advised that if present he would vote "nay." As I desire to vote in the same way, I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. MCKELLAR (after having voted in the negative). I find that the senior Senator from Delaware [Mr. TOWNSEND], with whom I have a pair, has not voted. I transfer my pair with him to the junior Senator from Rhode Island [Mr. GREEN], and will allow my vote to stand.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Oklahoma [Mr. LEE] who, I

am advised, if present and voting, would vote "yea," and will vote. I vote "yea."

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senators from West Virginia [Mr. HOLT and Mr. NEELY], the Senator from Alabama [Mr. HILL], the Senator from Oklahoma [Mr. LEE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on public business.

The Senator from Virginia [Mr. GLASS], the Senator from Rhode Island [Mr. GREEN], and the Senator from Mississippi [Mr. HARRISON] are unavoidably detained.

The Senator from North Carolina [Mr. BAILEY], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], and the Senator from Iowa [Mr. HERRING] are attending committee meetings and are unable to be present.

The Senator from Illinois [Mr. SLATTERY] and the Senator from Massachusetts [Mr. WALSH] are detained in Government Departments.

Mr. AUSTIN. I announce the following general pairs:

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Maryland [Mr. TYDINGS];

The Senator from North Dakota [Mr. NYE] with the Senator from Pennsylvania [Mr. GUFFEY]; and

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Virginia [Mr. BYRD].

I am not advised how any of these Senators would vote on this question.

The Senator from Michigan [Mr. VANDENBERG], the Senator from North Dakota [Mr. NYE], the Senator from New Hampshire [Mr. TOBEY], the Senator from Delaware [Mr. TOWNSEND], the Senator from Oregon [Mr. HOLMAN], the Senator from Vermont [Mr. GIBSON], and the Senator from New Hampshire [Mr. BRIDGES] are necessarily absent.

The result was announced—yeas 24, nays 36, as follows:

YEAS—24

Barkley	Clark, Idaho	Mead	Sheppard
Bilbo	Connally	Minton	Thomas, Okla.
Bone	Gillette	Murray	Thomas, Utah
Byrnes	Hayden	O'Mahoney	Truman
Caraway	Hughes	Schwartz	Wagner
Chandler	Lucas	Schwellenbach	Wiley

NAYS—36

Adams	Davis	King	Russell
Ashurst	Ellender	Lodge	Shipstead
Austin	Frazier	McKellar	Smathers
Bankhead	George	McNary	Smith
Barbour	Gerry	Miller	Stewart
Brown	Gurney	Overton	Taft
Bulow	Hale	Pittman	Thomas, Idaho
Capper	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	White

NOT VOTING—36

Andrews	Gibson	Holt	Pepper
Bailey	Glass	La Follette	Radcliffe
Bridges	Green	Lee	Slattery
Burke	Guffey	Lundeen	Tobey
Byrd	Harrison	McCarran	Townsend
Chavez	Hatch	Maloney	Tydings
Clark, Mo.	Herring	Neely	Vandenberg
Donahey	Hill	Norris	Van Nuys
Downey	Holman	Nye	Walsh

So the amendment of Mr. THOMAS of Oklahoma was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ASHURST. Mr. President, I offer the amendment to which I adverted a while ago, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert a new section, to read as follows:

SEC. —. No fee, rental, commission, or charge shall be levied or collected for taking and filming of sound or motion pictures on lands belonging to the United States within the jurisdiction of the Department of the Interior and administered by the General Land Office, the Bureau of Biological Survey, the Bureau of Reclamation, and the Grazing Service.

Mr. ASHURST. Mr. President, as to national parks and Indian reservations, in a sense Congress has surrendered to the Secretary of the Interior its jurisdiction over national parks. Bear in mind that a national park may not be created except by act of Congress. Therefore, inferentially, if not actually, Congress has more or less surrendered its jurisdiction over the national parks. That is one of the reasons why I have not included national parks in the prohibition. There are other reasons which might be argued, but I shall not press them at this time.

As to the Indian reservations, Congress, in many instances, has surrendered its jurisdiction, not its sovereignty, over many of the Indian reservations, sometimes by treaty, sometimes by act of Congress, thereby at least inferentially, if not actually, giving to the Secretary of the Interior authority over Indian reservations. These are some of the reasons, among others, why I did not include in the prohibition national parks and Indian reservations.

Mr. BARKLEY. Mr. President, will the Senator from Arizona yield?

Mr. ASHURST. I yield.

Mr. BARKLEY. I am seeking information only. I do not know anything about this matter, and until the Senator made his remarks today, I had no information at all as to these charges. While probably the amendment is subject to a point of order, I understand the committee is not making the point, and I certainly shall not, because it will go to conference anyway.

If the amendment should be enacted into law anyone in this country for his own pleasure, or for commercial purposes, could go on public land and take motion pictures without having to make any contribution whatever toward the public land or the activities of the agency involved. In other words, would it be possible for anyone, without the consent of anybody else, to go on these lands and take pictures and then commercialize them throughout the country on the screen? Or what would be the effect of the amendment?

Mr. ASHURST. First, let me say that I am proud to serve under the able Senator from Kentucky as leader. I do not see how any one man could grasp so many different points. He has demonstrated his leadership on a hundred different occasions. I desire to compliment him not only because of his ability but because of his toleration.

Mr. BARKLEY. I thank the Senator for his very generous remarks.

Mr. ASHURST. My opinion is that the Secretary of the Interior has heretofore been granted the authority to make rules and regulations, and even to charge fees—fees such as he might see fit to charge for using the national parks. In fact, in many national parks an entrance fee of $10 for an automobile is charged.

We gave up our jurisdiction over the Indian reservations years ago, and I can well understand that the Secretary of the Interior has the authority and power to administer those lands. He is trustee for the Indians. We have made him such. He may charge fees. Indeed, even so eminent a citizen as the Senator from Kentucky could not cross some of the reservations without a permit. Although the Senator is a sovereign, a great citizen of a great country, he could not cross or enter upon the vast domain of some of the reservations, a domain larger than the great State of Rhode Island, without a permit to do so.

The amendment refers to what we call the public lands; and that is a technical term. Public land is land which has not been reserved for some other purpose, but we sometimes employ the term "public land" indiscriminately, and sometimes incorrectly.

I opposed the Taylor grazing law, but I am not rehearsing that old fight. I am not bringing up old ghosts. The grazing lands are tremendous in area. Some of their areas are larger than the areas of entire States.

To answer the Senator, I do not perceive why the honorable Secretary of the Interior should be granted the power to charge fees and commissions to enter upon such lands as I have described; that is, lands under the jurisdiction of the honorable Secretary, but administered by the General Land Office, the Bureau of Biological Survey, the Bureau of Reclamation, and the Grazing Service.

I should like to extend my amendment, and have the prohibitions go further, but it would not be good strategy, and I do not want to overdo my task. There will be plenty of time in the future after further study.

Mr. BARKLEY. This matter came up wholly unexpectedly, and I do not know what reason the Department of the Interior has for making these charges, but it was running through my mind that, of course, while the public lands have been reserved or withdrawn from the public domain, as the Senator defined them, for some specific purpose, nevertheless, they are a charge on the Government, and the Government supervises them, of course. I suppose it employs numerous people to look after them.

Mr. ASHURST. Not particularly the public lands.

Mr. BARKLEY. Do any of these public lands contain forests, which the Government has to protect from fires and other hazards?

Mr. ASHURST. The able Senator will observe that I have not included the forests, because the national forests are under the Department of Agriculture.

Mr. BARKLEY. Still, the public lands under the Department of the Interior contain some forests, I believe.

Mr. ASHURST. I say to the able Senator, and I beg other Senators from the West to assist me in this, if I stumble, almost all of the forest lands, the real forest lands of the United States, are now in national forests, and are administered by the Department of Agriculture. I am quite within the bounds of conservatism, when I say that nearly all the true forest lands, to wit, those containing any so-called saw timber, are already set apart as national forests, and are administered by the Department of Agriculture.

Mr. SCHWARTZ. Mr. President, if I may interrupt, is it not also true that in addition to forest lands, vast acres have been reserved containing no timber whatever?

Mr. ASHURST. I thank the able Senator from Wyoming. I wish to err on the side of conservatism, if I err at all. Not only have almost all the forests been included in forest reserves—that is, national forests—but many thousands of acres of land, indeed, many scores of thousands, have been included in national forests even though they have no timber at all, and still more thousands of acres have been included into forest reserves where there are only scraggly and infrequent trees.

Mr. BARKLEY. Scrub trees.

Mr. ASHURST. Scrub trees. In other words, under authority granted under the law, they have taken pains to include all the forest lands and much that is not forest land, and are like the man who said, "I am not selfish. All I want is my own land and that which adjoins mine."

Mr. BARKLEY. If the Senator will permit me, and I wish to conclude——

Mr. ASHURST. I do not want the Senator to conclude. His questions are searching and proper, and I feel that he is doing a public service. My zeal might lead me——

Mr. BARKLEY. I understand; the Senator's zeal is very admirable and commendable, and I always enjoy it. Frequently I feel inspired by it.

Mr. ASHURST. I thank the Senator.

Mr. BARKLEY. We have not heard the Department's side of this matter. They must have some reason for making these charges. I do not know what it is, but I assume there is a reason why they make this charge, and it occurs to me that the Department ought to be given an opportunity to be heard with respect to it.

Mr. ASHURST. The Senator is correct.

Mr. BARKLEY. If the Senator's amendment goes into the bill, and it goes to conference, while they do not have hearings in the conference on the differences between the two Houses, I certainly feel that the conferees ought to give the Department of the Interior the opportunity to show why this charge is assessed.

Mr. ASHURST. That is but an additional proof of the Senator's fairness, and I myself, if this amendment goes to conference, so far as I have any power or authority, shall suggest to the conferees that they ask the representatives of the Department of the Interior to make statements to the conferees. I wish no quick-trigger action.

Mr. SMITH. Mr. President, I know of nothing which is more shorn of all possible harm than the taking of pictures. Here are vast domains owned by the Government. The idea of charging a man for the privilege of taking a picture on public lands, no matter what kind of picture it is, is obnoxious to the spirit of a free people.

When the Secretary read the figures as to what the Secretary of the Interior was charging—I take it for granted that the amount was as the Senator stated, but be that as it may—I was shocked at the idea that a citizen with his camera, taking pictures for his own pleasure, or going out and taking pictures for commercial purposes, should be charged a fee from the Government. Why should not we state that so far as moving pictures are concerned, or any kind of pictures, that anyone who wants to take them on the public lands is at liberty to do so?

Mr. President, we are coming to the point when I do not know whether I am at liberty to go out of here and walk down the street unless I get a license to do it. We are just sitting here and allowing bureaus and Government agents to gerrymander us to a point where an American citizen does not know whether he is free or not.

When the Senator was reading the figures earlier in the afternoon I started to ask him a question with respect to those who are boring from within and destroying the Constitution of the United States. Of course, the Constitution is temporarily submerged. We do not pay any attention to it. I want to say, Mr. President, that the bill is almost entirely unconstitutional. There is not a Senator present who would vary our written Constitution, but Senators know that the bill is absolutely unconstitutional. Mr. President, it provides for taking care of children, providing for social security, and a thousand other things that we a few years ago would absolutely have scorned doing. Yet we have got so in the habit of hoping that by adopting certain amendments and passing certain bills we will get some votes, that we are willing to damn the Constitution and be governed by men and not by law.

Mr. ASHURST. Mr. President, I welcome the interruption of the able Senator from South Carolina, and I do not use the word "able" merely as a parliamentary gesture. He is an able Senator. I do not wish, however, to be drawn away from the main question. I wish to confine myself as nearly as possible to the present situation.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. ASHURST. I am glad to yield to the Senator from Wyoming, who I believe knows more about public land than I do, and probably as much if not more than any other Senator in this body.

Mr. SCHWARTZ. I thank the Senator, but I will have to confess my ignorance, because I want to ask the Senator a question. I want to ask him what effect his amendment will have on wildlife refuges; whether the adoption of his amendment will permit moving in on wildlife refuges or not.

Mr. ASHURST. No; it will not.

Mr. SCHWARTZ. As I understand, wherever the Secretary does have the power to act at all the Senator's amendment would not prevent him from exercising the power to keep anyone off wildlife refuges?

Mr. ASHURST. That is the purpose of my amendment.

Mr. President, no Senator would be forgiven at this hour of the day for speaking at length, but in conclusion let me say that Arizona has an area of 113,956 square miles. It is nearly a hundred times the size of Rhode Island.

Senators, remember that of that vast area, according to the figures of 1931, 72 percent of the lands of that State

are under the Federal Government. The State holdings are about 14 percent of the total area of that State, and the private holdings only 14 percent.

Some years ago a healthy event took place. As a rule we have a Senator from the West to be chairman of the Senate Committee on Public Lands and Surveys, but by the evolution the able Senator from New York [Mr. WAGNER], one of the keenest thinkers and one of the most authentic scholars of the Senate, became, by dice of destiny, the chairman of the Senate Committee on Public Lands and Surveys. He did the proper thing. Not being a western man, he visited the West. He went to the national parks, and other reserved lands, as was his duty. We are grateful to him. I am sure he must have been amazed to find various things, such as the fact that the State of Arizona has 72 percent of its area administered from Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona [Mr. ASHURST].

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendments, the question is on the engrossment of the amendments, and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H. R. 9007) was passed.

Mr. McKELLAR. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. RUSSELL, Mr. McCARRAN, Mr. BANKHEAD, Mr. O'MAHONEY, Mr. LODGE, and Mr. BRIDGES conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Megill, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 199) amending Public Resolution No. 112 of the Seventy-fifth Congress and Public Resolution No. 48 of the Seventy-sixth Congress.

PROTECTION OF CERTAIN FOREIGN PROPERTY WITHIN THE UNITED STATES

Mr. WAGNER. Mr. President, I move that the Senate proceed to the consideration of Senate Joint Resolution 252, Calendar No. 1550.

Mr. JOHNSON of California. Mr. President, is there any intention on the part of the Senator to proceed with the joint resolution tonight?

Mr. WAGNER. I shall not ask for its consideration until Monday morning.

Mr. McNARY. That is the understanding.

Mr. WAGNER. Yes.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. Joint resolution (S. J. Res. 252) to amend section 5 (b) of the act of October 6, 1917, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Banking and Currency without amendment.

Mr. DANAHER. Mr. President, the Senator from New York [Mr. WAGNER] yesterday discussed Senate joint resolution 252. I think the Senator from New York and all other Senators interested should properly have before them the—shall I call it the concentration of wisdom on the part of many with whom I have spoken? I intend to send to the desk certain proposed amendments, that they may lie on the table and be printed.

One amendment would limit the provisions of sections 1 and 2 of the pending joint resolution in such fashion as that they would not apply to American citizens.

Another amendment would transpose language appearing on page 2 of the pending joint resolution in this way: On page 1, line 11, it is proposed to insert the following:

> The acts under which any foreign state or a national or political subdivision thereof, as defined by the President, has any interest, following, to wit:

Therefore it would require that there be stricken from page 2, lines 6, 7, and 8 the words:

> In which any foreign state or a national or political subdivision thereof, as defined by the President, has any interest.

The third proposed amendment would limit all power conferred by Senate Joint Resolution 252 in amending existing law, in such fashion that the measure, as amended, would terminate on May 1, 1941.

Mr. President, I send the three amendments to the desk and ask that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments proposed by the Senator from Connecticut will be printed, and will lie on the table.

AMENDMENT TO PATENT STATUTES

Mr. BARKLEY. Mr. President, the Senator from Washington [Mr. BONE] has a matter which will require only a minute or two. I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Washington may proceed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BONE. Mr. President, let me explain that on August 1 of last year Senate bill 2688 was before the Senate. It was one of a group of bills which came to the Senate as a result of the findings and activities of the Temporary National Economic Committee. All those bills save two were passed. To be more correct, five of them were passed without any question. The sixth was passed by the Senate on August 1 of last year, but question was raised by the Senator from Ohio [Mr. TAFT], who suggested some change in language, which was adopted on the floor, and the bill passed without any discussion and without any opposition.

The following day the Senator from Montana [Mr. WHEELER] having some question in his mind about certain language in the bill, asked that it be reconsidered, and so it is now on the Senate Calendar under motion for reconsideration. It is my desire at this time to bring up the bill. It will require only a moment to dispose of it. I shall make certain motions for the purpose of the RECORD, Mr. President.

I wish to explain that I have discussed the matter with the Senator from Montana, who has suggested certain language which I submitted to the Commissioner of Patents. That language is almost identical with that which was selected last year, and which met the approval of the Senator from Ohio [Mr. TAFT]. So, apparently there is now no objection to the bill. It is the so-called 20-year-patent bill.

Mr. AUSTIN. Mr. President, is there a request for unanimous consent?

Mr. BONE. I am about to make certain motions. The first is that we reconsider the vote by which the bill was passed.

Mr. AUSTIN. Mr. President, I do not understand the nature of the request.

Mr. BONE. Mr. President, on the 1st of last August the Senate passed one of a group of bills which had been reported from the Committee on Patents. All of them received the approval of the Senate. On August 1 the last of these bills, which had met the approval and obtained the blessing of the Temporary National Economic Committee, was passed. The Senator from Ohio [Mr. TAFT] was in doubt about some of the language, and an amendment which embodied his ideas was offered on the floor and agreed to, and the bill was passed without objection.

The next day the Senator from Montana [Mr. WHEELER], having some doubt in his own mind due to a letter which he had received from a lawyer in Chicago, asked that the vote by which the bill had been passed be reconsidered; and so the bill is now on the motion calendar for reconsideration.

It had been my purpose to talk to the Senator from Montana about the bill, but because of my injury I was unable to do so until I returned to the Senate. Language has now been drafted which is substantially that of the amendment which I offered on the floor and which was adopted by the Senate. It meets the approval of the Senator from Montana, who was the only one who raised any objection. Apparently there is no objection to the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. BARKLEY. I understand that pending the motion to reconsider, which was entered by the Senator from Montana [Mr. WHEELER], all parties have got together and agreed on the language.

Mr. BONE. Yes. There is now no disagreement.

Mr. BARKLEY. The Senator wants the vote by which the bill was passed reconsidered?

Mr. BONE. I wish to go through the necessary parliamentary procedure to dispose of the bill at this time. It will take only a moment.

I now move to reconsider the vote by which Senate bill 2688 was passed.

The motion to reconsider was agreed to.

Mr. BONE. I now move to reconsider the vote ordering the engrossment and third reading of the bill.

The motion to reconsider was agreed to.

Mr. BONE. I now move to reconsider the vote agreeing to the amendment offered by me on the 1st of last August.

The motion to reconsider was agreed to.

Mr. BONE. In lieu of the matter in the amendment adopted on August 1, 1939, I send to the desk the language of another amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the amendment agreed to on August 1, 1939, it is proposed to insert the following on page 2, line 5, after the word "patent":

Provided, however, That the Commissioner of Patents may, in his discretion before the patent issues, extend such 20-year period to compensate for unavoidable delays during the pendency of the application shown to the satisfaction of the Commissioner not to be chargeable to the applicant; and in the case of any application which has become the property of the Government of the United States or any office or agency thereof, and which has been certified as important to the armament or defense of the United States as provided by Revised Statutes 4894 (U. S. C., title 35, sec. 37), such 20-year period shall be extended by adding thereto any period or periods of delay authorized by said Revised Statutes 4894.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment as general officers in the Regular Army.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read the nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

JUDGE OF POLICE COURT, DISTRICT OF COLUMBIA

Mr. KING. Mr. President, from the Committee on the Judiciary I report favorably the nomination of George D. Neilson, of the District of Columbia, to be judge of the police court for the District of Columbia, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The report will be received. Is there objection to the present consideration of the nomination? The Chair hears none. Without objection, the nomination is confirmed.

Mr. KING. Mr. President, in view of the fact that there is some congestion in the police court, and it is important to relieve the congestion, I ask that the President be notified, so that Mr. Neilson may take his position as soon as possible.

The PRESIDING OFFICER. Without objection, the President will be notified.

UNITED STATES MARSHAL—ARKANSAS

Mr. MILLER. Mr. President, from the Committee on the Judiciary I report favorably the nomination of Henry C. Armstrong to be United States marshal for the western district of Arkansas, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The report will be received. Is there objection to the present consideration of the nomination? The Chair hears none. Without objection, the nomination is confirmed.

Mr. MILLER. Because of the situation existing in the western district of Arkansas, on behalf of my colleague [Mrs. CARAWAY], I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I mave that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until Monday, April 29, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 26 (legislative day of April 24), 1940

JUDGE OF DISTRICT OF COLUMBIA POLICE COURT

George D. Neilson, of the District of Columbia, to be judge of the police court for the District of Columbia, vice Hon. Edward M. Curran, resigned.

UNITED STATES MARSHALS

Henry C. Armstrong, of Arkansas, to be United States marshal for the western district of Arkansas, vice John C. Riley, term expired.

Arthur D. Fairbanks, of Colorado, to be United States marshal for the district of Colorado. He is now serving in this office under an appointment which expired April 1, 1940.

POSTMASTERS

ARKANSAS

Rowan Moody Sankey Butner to be postmaster at North Little Rock, Ark., in place of J. A. Horton, deceased.

Leola Garner to be postmaster at Plainview, Ark., in place of Leola Garner. Incumbent's commission expired January 20, 1940.

Wendell H. Gorman to be postmaster at Strong, Ark., in place of W. H. Gorman. Incumbent's commission expires May 9, 1940.

CALIFORNIA

Alfred A. True to be postmaster at Barstow, Calif., in place of A. A. True. Incumbent's commission expired July 24, 1939.

Alma B. Pometta to be postmaster at Benicia, Calif., in place of A. B. Pometta. Incumbent's commission expired March 25, 1940.

Frederick Kneale Smith to be postmaster at Crestline, Calif., in place of F. K. Smith. Incumbent's commission expired January 23, 1940.

George L. Clare to be postmaster at Guerneville, Calif., in place of G. L. Clare. Incumbent's commission expired March 25, 1940.

Alfred E. Harwood to be postmaster at La Verne, Calif., in place of A. H. Abbott, deceased.

Flora E. Dahl to be postmaster at Mokelumne Hill, Calif., in place of F. E. Dahl. Incumbent's commission expired July 1, 1939.

Rose C. Tarwater to be postmaster at Murrieta, Calif., in place of R. C. Tarwater. Incumbent's commission expired April 25, 1940.

Mary A. Roels to be postmaster at Point Reyes Station, Calif., in place of M. A. Roels. Incumbent's commission expired March 25, 1940.

Harold E. Rous to be postmaster at Yucaipa, Calif., in place of H. E. Rous. Incumbent's commission expired April 25, 1940.

COLORADO

Adelbert E. Humeston to be postmaster at Collbran, Colo., in place of A. E. Humeston. Incumbent's commission expired March 11, 1940.

Harry K. Balvin to be postmaster at Elizabeth, Colo., in place of H. K. Balvin. Incumbent's commission expired April 25, 1940.

James Fenolia to be postmaster at Louisville, Colo., in place of James Fenolia. Incumbent's commission expired April 25, 1940.

James M. Brown to be postmaster at Mancos, Colo., in place of J. M. Brown. Incumbent's commission expired March 11, 1940.

John Oral Clement Lutener to be postmaster at Rico, Colo. Office became Presidential July 1, 1939.

CONNECTICUT

Walter B. Johnson to be postmaster at Seymour, Conn., in place of W. B. Johnson. Incumbent's commission expired February 9, 1939.

DELAWARE

James L. Smith to be postmaster at Greenwood, Del., in place of J. L. Smith. Incumbent's commission expires April 28, 1940.

FLORIDA

Chauncey Smith Daniel to be postmaster at Tavares, Fla., in place of C. S. Daniel. Incumbent's commission expired February 5, 1940.

GEORGIA

Carl M. Simonton to be postmaster at Franklin, Ga., in place of C. M. Simonton. Incumbent's commission expired February 27, 1940.

Estelle B. Willis to be postmaster at Hardwick, Ga., in place of Estelle Willis. Incumbent's commission expired March 25, 1940.

Augustus H. Flake to be postmaster at Lithonia, Ga., in place of A. H. Flake. Incumbent's commission expired March 18, 1940.

D. Alton Willis to be postmaster at Meigs, Ga., in place of D. A. Willis. Incumbent's commission expired April 25, 1940.

Andy G. Clements to be postmaster at Rhine, Ga., in place of A. G. Clements. Incumbent's commission expired March 18, 1940.

ILLINOIS

L. Janet Merkle to be postmaster at Brocton, Ill., in place of L. J. Merkle. Incumbent's commission expired February 27, 1940.

Helmer D. Carlson to be postmaster at Fox Lake, Ill., in place of H. D. Carlson. Incumbent's commission expired June 27, 1939.

Elma L. South to be postmaster at Hammond, Ill. Office became Presidential July 1, 1939.

Loy Bagby to be postmaster at Olmsted, Ill., in place of Loy Bagby. Incumbent's commission expired February 27, 1940.

Henry H. Strahan to be postmaster at Roxana, Ill. Office became Presidential July 1, 1939.

INDIANA

Bessie L. Gage to be postmaster at Ashley, Ind., in place of B. L. Gage. Incumbent's commission expired February 4, 1940.

Nathan P. Lewis to be postmaster at Campbellsburg, Ind., in place of N. P. Lewis. Incumbent's commission expired April 24, 1940.

Merlyn R. Elliott to be postmaster at Dale, Ind., in place of M. R. Elliott. Incumbent's commission expired April 28, 1940.

Matthew Halbig to be postmaster at Haubstadt, Ind., in place of Matthew Halbig. Incumbent's commission expired April 24, 1940.

Eugene W. Felkner to be postmaster at Milford, Ind., in place of E. W. Felkner. Incumbent's commission expired April 28, 1940.

Ruth B. Flinn to be postmaster at Roann, Ind., in place of R. B. Flinn. Incumbent's commission expired March 20, 1940.

IOWA

George P. Rounds to be postmaster at Clermont, Iowa, in place of G. P. Rounds. Incumbent's commission expired March 20, 1939.

Anna L. Meyer to be postmaster at Everly, Iowa, in place of A. L. Meyer. Incumbent's commission expired August 22, 1939.

Thelma Allen to be postmaster at Harris, Iowa, in place of Thelma Allen. Incumbent's commission expired July 1, 1939.

Violet A. Shirk to be postmaster at Linn Grove, Iowa, in place of V. A. Shirk. Incumbent's commission expired June 18, 1938.

Noah T. Nixon to be postmaster at Lorimor, Iowa, in place of N. T. Nixon. Incumbent's commission expired January 23, 1940.

Nellie C. Burk to be postmaster at Milford, Iowa, in place of N. C. Burk. Incumbent's commission expired August 22, 1939.

Daniel C. Norris to be postmaster at Prairie City, Iowa, in place of D. C. Norris. Incumbent's commission expired April 3, 1940.

Charles W. Tigges to be postmaster at Sutherland, Iowa, in place of C. W. Tigges. Incumbent's commission expired April 2, 1938.

Edward B. Wittrig to be postmaster at Wayland, Iowa, in place of E. B. Wittrig. Incumbent's commission expires April 28, 1940.

Bernice Green to be postmaster at Winfield, Iowa, in place of Bernice Green. Incumbent's commission expired April 28, 1940.

KANSAS

Mattie L. Binkley to be postmaster at Brewster, Kans., in place of M. L. Binkley. Incumbent's commission expired March 4, 1940.

Roy E. Wetherall to be postmaster at Cunningham, Kans., in place of R. E. Wetherall. Incumbent's commission expired May 10, 1940.

Jay F. Higbee to be postmaster at Formoso, Kans., in place of J. F. Higbee. Incumbent's commission expired March 11, 1940.

Otis Barngrover to be postmaster at Hamilton, Kans., in place of Otis Barngrover. Incumbent's commision expired April 24, 1940.

Ada S. George to be postmaster at Lebo, Kans., in place of A. S. George. Incumbent's commission expired April 27, 1940.

Joseph M. Steffen to be postmaster at Neodesha, Kans., in place of J. M. Steffen. Incumbent's commission expired April 24, 1940.

Harold Goble to be postmaster at Riley, Kans., in place of Harold Goble. Incumbent's commission expired May 17, 1938.

Mary Gertrude Goddard to be postmaster at Rolla, Kans., in place of Gertrude Goddard. Incumbent's commission expired April 1, 1940.

Harry D. Burke to be postmaster at Severy, Kans., in place of H. D. Burke. Incumbent's commission expired April 24, 1940.

James E. Gay to be postmaster at Spring Hill, Kans., in place of J. E. Gay. Incumbent's commission expired March 11, 1940.

KENTUCKY

Charles L. Hollingsworth to be postmaster at Smithland, Ky., in place of C. L. Hollingsworth. Incumbent's commission expired February 14, 1940.

LOUISIANA

Inez McDaniel to be postmaster at Hackberry, La. Office became Presidential July 1, 1939.

MAINE

Lyman Ellis to be postmaster at Canton, Maine, in place of Lyman Ellis. Incumbent's commission expired April 21, 1940.

Carlton R. Barlow to be postmaster at East Boothbay, Maine, in place of C. R. Barlow. Incumbent's commission expired February 4, 1940.

Norman E. Willis to be postmaster at Harmony, Maine, in place of N. E. Willis. Incumbent's commission expired April 1, 1940.

Elgie M. Nichols to be postmaster at Kingfield, Maine, in place of G. D. Vose. Incumbent's commission expired January 7, 1936.

Grace L. Harriman to be postmaster at Searsport, Maine, in place of G. L. Harriman. Incumbent's commission expired February 14, 1940.

Mildred A. Holbrook to be postmaster at Wiscasset, Maine, in place of M. A. Holbrook. Incumbent's commission expired April 21, 1940.

MARYLAND

Kathryn T. Schaefer to be postmaster at Chesapeake City, Md., in place of K. T. Schaefer. Incumbent's commission expired January 20, 1940.

Ernest A. Loveless to be postmaster at Clinton, Md. Office became Presidential July 1, 1939.

Victor F. Cullen to be postmaster at State Sanatorium, Md., in place of V. F. Cullen. Incumbent's commission expired January 20, 1940.

MASSACHUSETTS

John J. Pendergast to be postmaster at Centerville, Mass., in place of J. J. Pendergast. Incumbent's commission expired April 1, 1940.

John A. Bell to be postmaster at Leicester, Mass., in place of J. A. Bell. Incumbent's commission expires April 27, 1940.

Henry A. Dainty to be postmaster at Monument Beach, Mass., in place of P. G. Swain, resigned.

Robert M. Urann to be postmaster at Westwood, Mass., in place of R. M. Urann. Incumbent's commission expired February 15, 1940.

MICHIGAN

Fred Weaver to be postmaster at Dorr, Mich. Office became Presidential July 1, 1939.

George W. Penglase to be postmaster at Grosse Ile, Mich., in place of G. W. Penglase. Incumbent's commission expires May 9, 1940.

James N. Mulvenna to be postmaster at Hudson, Mich., in place of J. N. Mulvenna. Incumbent's commission expired January 20, 1940.

Arthur E. O'Neill to be postmaster at Saline, Mich., in place of A. E. O'Neill. Incumbent's commission expired January 20, 1940.

MINNESOTA

Hugh P. Griffin to be postmaster at Cold Spring, Minn., in place of H. P. Griffin. Incumbent's commission expired August 27, 1939.

Elmer Reseland to be postmaster at Fertile, Minn., in place of N. O. Nelson, removed.

Herman Herder to be postmaster at Jordan, Minn., in place of Herman Herder. Incumbent's commission expires April 30, 1940.

Teresa C. Franta to be postmaster at Wabasso, Minn., in place of T. C. Franta. Incumbent's commission expired August 22, 1939.

MISSISSIPPI

Mrs. Willie M. Windham to be postmaster at Lena, Miss., in place of W. M. Windham. Incumbent's commission expired April 12, 1940.

Nannie Stuart to be postmaster at Morton, Miss., in place of D. E. Lasster, resigned.

MISSOURI

William P. Carskadon to be postmaster at Dalton, Mo., in place of W. P. Carskadon. Incumbent's commission expired March 4, 1940.

Forrest Beason to be postmaster at Fair Play, Mo., in place of Forrest Beason. Incumbent's commission expired August 27, 1939.

Harold S. Bradley to be postmaster at Hickman Mills, Mo., in place of H. S. Bradley. Incumbent's commission expired January 23, 1940.

Hirsty C. McKee to be postmaster at Iberia, Mo., in place of Walter Morrow, removed.

Katherine B. Mitchell to be postmaster at Manchester, Mo., in place of F. M. Lauer, resigned.

Arvella C. Bennett to be postmaster at Rockville, Mo., in place of A. C. Bennett. Incumbent's commission expired August 27, 1939.

Mary Virginia Babka to be postmaster at Valley Park, Mo., in place of J. J. Henderson, removed.

Nadine H. Glascock to be postmaster at Waverly, Mo., in place of Nadine Glascock. Incumbent's commission expired April 2, 1940.

MONTANA

Leslie L. Like to be postmaster at Drummond, Mont., in place of L. L. Like. Incumbent's commission expired March 21, 1940.

Albert Hole to be postmaster at Wheeler, Mont., in place of Albert Hole. Incumbent's commission expired March 21, 1940.

NEBRASKA

Oda D. Adkins to be postmaster at Arthur, Nebr., in place of O. D. Adkins. Incumbent's commission expired April 1, 1940.

Robert L. Isham to be postmaster at Chadron, Nebr., in place of R. L. Isham. Incumbent's commission expired March 15, 1939.

Merwyn C. Johnson to be postmaster at Hyannis, Nebr., in place of M. C. Johnson. Incumbent's commission expired April 24, 1940.

Rose C. Dolan to be postmaster at Maxwell, Nebr., in place of D. A. Crawford, deceased.

NEW HAMPSHIRE

Paul A. Richard to be postmaster at Hudson, N. H., in place of P. A. Richard. Incumbent's commission expired January 20, 1940.

William H. Pascoe to be postmaster at West Ossipee, N. H., in place of W. H. Pascoe. Incumbent's commission expires April 29, 1940.

NEW JERSEY

Walter E. Riddle to be postmaster at Sayreville, N. J., in place of W. E. Riddle. Incumbent's commission expired March 25, 1940.

NEW MEXICO

Henry A. Harber to be postmaster at State College, N. Mex., in place of H. A. Harber. Incumbent's commission expired January 23, 1940.

NEW YORK

John M. O'Keefe to be postmaster at Addison, N. Y., in place of J. M. O'Keefe. Incumbent's commission expired June 25, 1939.

William McMichael to be postmaster at Annandale-on-Hudson, N. Y. Office became Presidential July 1, 1939.

Joseph S. Annable to be postmaster at Bayport, N. Y., in place of J. S. Annable. Incumbent's commission expired January 31, 1938.

Helena F. Cuatt to be postmaster at Mohegan Lake, N. Y., in place of H. F. Cuatt. Incumbent's commission expired February 4, 1940.

William F. Riordan to be postmaster at Newark Valley, N. Y., in place of W. F. Riordan. Incumbent's commission expired August 21, 1939.

Thomas F. Carroll to be postmaster at Oriskany, N. Y., in place of T. F. Carroll. Incumbent's commission expired January 20, 1940.

Leonard S. Cole to be postmaster at Ovid, N. Y., in place of L. S. Cole. Incumbent's commission expired February 14, 1940.

James F. Cronin to be postmaster at Portville, N. Y., in place of J. F. Cronin. Incumbent's commission expired March 10, 1940.

Timothy V. O'Shea to be postmaster at Rome, N. Y., in place of T. V. O'Shea. Incumbent's commission expired April 1, 1940.

Patrick A. Murphy to be postmaster at White Plains, N. Y., in place of P. A. Murphy. Incumbent's commission expired January 20, 1940.

NORTH CAROLINA

Carl V. Bundy to be postmaster at Jamestown, N. C., in place of C. V. Bundy. Incumbent's commission expired January 28, 1940.

Woodrow McKay to be postmaster at Lexington, N. C., in place of Woodrow McKay. Incumbent's commission expired March 28, 1940.

Fred H. Holcombe to be postmaster at Mars Hill, N. C., in place of F. H. Holcombe. Incumbent's commission expires April 29, 1940.

James H. McKenzie to be postmaster at Salisbury, N. C., in place of J. H. McKenzie. Incumbent's commission expired March 18, 1940.

Charles O. Cooper to be postmaster at Saluda, N. C., in place of C. O. Cooper. Incumbent's commission expires April 29, 1940.

William H. Shannon to be postmaster at Spencer, N. C., in place of W. H. Shannon. Incumbent's commission expired June 13, 1938.

NORTH DAKOTA

Genevieve Gregor to be postmaster at Dawson, N. Dak., in place of Genevieve Gregor. Incumbent's commission expired February 27, 1940.

Winnifred D. Flaten to be postmaster at Edinburg, N. Dak., in place of W. D. Flaten. Incumbent's commission expires May 5, 1940.

Hugh H. Parsons to be postmaster at Fessenden, N. Dak., in place of H. H. Parsons. Incumbent's commission expired April 21, 1940.

Richard T. Burke to be postmaster at Langdon, N. Dak., in place of R. T. Burke. Incumbent's commission expires May 9, 1940.

Leta L. Davis to be postmaster at Lansford, N. Dak., in place of L. L. Davis. Incumbent's commission expired March 28, 1940.

Ethel L. Powers to be postmaster at Lawton, N. Dak., in place of E. L. Powers. Incumbent's commission expires May 9, 1940.

Veronica F. Bimler to be postmaster at Munich, N. Dak., in place of V. F. Bimler. Incumbent's commission expired February 4, 1940.

John C. Black to be postmaster at Plaza, N. Dak., in place of J. C. Black. Incumbent's commission expired March 11, 1940.

Carl L. George to be postmaster at Sarles, N. Dak., in place of C. L. George. Incumbent's commission expired February 4, 1940.

Chase E. Mulinex to be postmaster at Tolley, N. Dak., in place of C. E. Mulinex. Incumbent's commission expires May 9, 1940.

Albert H. Baumann to be postmaster at Westhope, N. Dak., in place of A. H. Baumann. Incumbent's commission expires May 9, 1940.

Janette O. Gray to be postmaster at Wilton, N. Dak., in place of J. O. Gray. Incumbent's commission expired February 7, 1940.

OHIO

Marvin L. Sollmann to be postmaster at Anna, Ohio, in place of M. L. Sollmann. Incumbent's commission expired April 21, 1940.

Orville T. Castor to be postmaster at Arlington, Ohio, in place of O. T. Castor. Incumbent's commission expired April 25, 1940.

Walter J. Miller to be postmaster at Beach City, Ohio, in place of W. J. Miller. Incumbent's commission expired April 24, 1940.

Robert Waugh to be postmaster at Brilliant, Ohio, in place of Robert Waugh. Incumbent's commission expired April 25, 1940.

Lee F. Beveridge to be postmaster at Butler, Ohio, in place of L. F. Beveridge. Incumbent's commission expired January 20, 1940.

Joseph W. Johnston to be postmaster at Coshocton, Ohio, in place of J. W. Johnston. Incumbent's commission expires May 3, 1940.

Walter M. Dill to be postmaster at Fredericktown, Ohio, in place of W. M. Dill. Incumbent's commission expired April 1, 1940.

Thomas G. Smith to be postmaster at Glendale, Ohio, in place of T. G. Smith. Incumbent's commission expired January 20, 1940.

Mary J. Rosebraugh to be postmaster at Hebron, Ohio, in place of M. J. Rosebraugh. Incumbent's commission expired April 25, 1940.

George W. Blessing to be postmaster at Jeffersonville, Ohio, in place of G. W. Blessing. Incumbent's commission expired March 25, 1940.

Blanche L. Geiger to be postmaster at Lakeview, Ohio, in place of B. L. Geiger. Incumbent's commission expired April 25, 1940.

Herman C. Doellinger to be postmaster at Marysville, Ohio, in place of H. C. Doellinger. Incumbent's commission expired April 25, 1940.

Roy C. Walker to be postmaster at Milan, Ohio, in place of R. C. Walker. Incumbent's commission expires April 27, 1940.

Ralph M. Connolly to be postmaster at Milford Center, Ohio, in place of R. M. Connolly. Incumbent's commission expires April 25, 1940.

Clarence A. Goller to be postmaster at Ney, Ohio. Office became Presidential July 1, 1939.

May C. Eldridge to be postmaster at North Olmsted, Ohio, in place of M. C. Eldridge. Incumbent's commission expired April 1, 1940.

Irvin H. Menter to be postmaster at Pemberville, Ohio, in place of I. H. Menter. Incumbent's commission expires April 25, 1940.

Alfred W. Kalb to be postmaster at Port Clinton, Ohio, in place of W. L. Zeis. Incumbent's commission expired March 3, 1940.

Lawrence J. Heiner to be postmaster at Rutland, Ohio, in place of L. J. Heiner. Incumbent's commission expired April 1, 1940.

John Daniel O'Sullivan to be postmaster at Sharonville, Ohio, in place of J. D. O'Sullivan. Incumbent's commission expired January 20, 1940.

Glen C. Rine to be postmaster at Utica, Ohio, in place of G. C. Rine. Incumbent's commission expired March 12, 1940.

Charles A. Conry to be postmaster at Wakeman, Ohio, in place of C. A. Conry. Incumbent's commission expired April 24, 1940.

OKLAHOMA

Vivienne C. Ford to be postmaster at Billings, Okla., in place of V. C. Ford. Incumbent's commission expired June 12, 1938.

James R. Hankla to be postmaster at Geary, Okla., in place of J. R. Hankla. Incumbent's commission expired February 5, 1940.

Robert H. Walton to be postmaster at Muldrow, Okla., in place of R. H. Walton. Incumbent's commission expired August 13, 1939.

George E. Raouls to be postmaster at Picher, Okla., in place of G. E. Raouls. Incumbent's commission expires May 8, 1940.

Blaine M. Skidmore to be postmaster at Vici, Okla., in place of B. M. Skidmore. Incumbent's commission expires May 8, 1940.

OREGON

Blanche E. North to be postmaster at Bonneville, Oreg., in place of B. E. North. Incumbent's commission expires April 25, 1940.

Floyd B. Willert to be postmaster at Dayton, Oreg., in place of F. B. Willert. Incumbent's commission expired April 1, 1940.

Gaphart D. Ebner to be postmaster at Mount Angel, Oreg., in place of G. D. Ebner. Incumbent's commission expired February 14, 1940.

Ruth N. Johnson to be postmaster at Sheridan, Oreg., in place of R. N. Johnson. Incumbent's commission expired April 24, 1940.

PENNSYLVANIA

Elsie Mae Moffett to be postmaster at Buck Hill Falls, Pa., in place of S. J. Van Vliet, removed.

Kathryn L. Monahan to be postmaster at Centralia, Pa., in place of K. L. Monahan. Incumbent's commission expired April 9, 1940.

James L. Schmonsky to be postmaster at Clarendon, Pa., in place of J. L. Schmonsky. Incumbent's commission expired March 20, 1940.

Ferdinand O. Niebauer to be postmaster at Fairview, Pa., in place of F. O. Niebauer. Incumbent's commission expires May 9, 1940.

William F. Dewey to be postmaster at Frackville, Pa., in place of C. A. O'Donnell, removed.

Mary G. Wilson to be postmaster at George School, Pa., in place of M. G. Wilson. Incumbent's commission expired April 6, 1939.

Isaac W. Edgar to be postmaster at Glenshaw, Pa., in place of I. W. Edgar. Incumbent's commission expired January 28, 1940.

Bernice W. Webb to be postmaster at Jamestown, Pa., in place of B. W. Webb. Incumbent's commission expired August 27, 1939.

John M. Zarkoski to be postmaster at Kulpmont, Pa., in place of J. M. Zarkoski. Incumbent's commission expired August 27, 1939.

Ray E. Wagner to be postmaster at Millerstown, Pa., in place of R. E. Wagner. Incumbent's commission expired August 27, 1939.

Jay C. Watts to be postmaster at Millville, Pa., in place of J. C. Watts. Incumbent's commission expired August 22, 1939.

Margaret C. Souders to be postmaster at Mount Holly Springs, Pa., in place of M. C. Souders. Incumbent's commission expires April 30, 1940.

Lester D. Sedam to be postmaster at Muncy, Pa., in place of L. D. Sedam. Incumbent's commission expired July 3, 1939.

James Mosco Ott to be postmaster at Orbisonia, Pa., in place of J. M. Ott. Incumbent's commission expired January 28, 1940.

Stephen G. McCahan to be postmaster at Saxton, Pa., in place of S. G. McCahan. Incumbent's commission expired January 28, 1940.

Frank M. Severns to be postmaster at Southampton, Pa., in place of F. M. Severns. Incumbent's commission expired August 27, 1939.

Gordon H. Fish to be postmaster at South Montrose, Pa., in place of G. H. Fish. Incumbent's commission expired April 9, 1940.

Charles Kline to be postmaster at Sunbury, Pa., in place of J. N. Zimmerman, deceased.

RHODE ISLAND

Edgar J. Peloquin to be postmaster at Manville, R. I., in place of E. J. Peloquin. Incumbent's commission expired February 7, 1940.

Ina M. Gwynn to be postmaster at Warwick Neck, R. I., in place of I. M. Gwynn. Incumbent's commission expired August 27, 1939.

SOUTH CAROLINA

George B. Patrick to be postmaster at Bowman, S. C., in place of G. B. Patrick. Incumbent's commission expired February 15, 1940.

Charles A. Potter to be postmaster at Cowpens, S. C., in place of C. A. Potter. Incumbent's commission expired January 20, 1940.

Palmer White Johnson to be postmaster at Marion, S. C., in place of B. B. Gasque, deceased.

TENNESSEE

William Davis Dulaney to be postmaster at Blountville, Tenn., in place of W. D. Dulaney. Incumbent's commission expired April 24, 1940.

George P. Brummitt to be postmaster at Gleason, Tenn., in place of G. P. Brummitt. Incumbent's commission expires May 9, 1940.

Arthur Terrell Jones to be postmaster at Jellico, Tenn., in place of A. T. Fine, deceased.

Joe L. Richardson to be postmaster at Lewisburg, Tenn., in place of S. E. Prosser. Incumbent's commission expired July 18, 1939.

Hugh Doak to be postmaster at Manchester, Tenn., in place of C. V. O'Neal, resigned.

Lee N. Alley to be postmaster at Oakdale, Tenn., in place of L. N. Alley. Incumbent's commission expired August 26, 1939.

Charles Atkins Boone to be postmaster at Trenton, Tenn., in place of C. A. Boone. Incumbent's commission expires May 9, 1940.

Loraine Adkins to be postmaster at Wartburg, Tenn., in place of Loraine Adkins. Incumbent's commission expired June 8, 1938.

TEXAS

Homer Dewey Thompson to be postmaster at Devine, Tex., in place of H. D. Thompson. Incumbent's commission expired January 31, 1940.

Nellie G. Magowan to be postmaster at Mathis, Tex., in place of Nellie Magowan. Incumbent's commission expired March 13, 1940.

Frank P. McCabe to be postmaster at Rio Hondo, Tex., in place of F. P. McCabe. Incumbent's commission expired February 27, 1940.

John W. Ledbetter to be postmaster at Round Rock, Tex., in place of J. W. Ledbetter. Incumbent's commission expired January 31, 1940.

Grover C. Stephens to be postmaster at Sierra Blanca, Tex., in place of G. C. Stephens. Incumbent's commission expired March 13, 1940.

Robert O. Rockwood to be postmaster at Wharton, Tex., in place of R. O. Rockwood. Incumbent's commission expires May 9, 1940.

UTAH

Earl T. James to be postmaster at Bingham Canyon, Utah, in place of M. L. James, resigned.

VERMONT

Richard Harlie Standish to be postmaster at Montpelier, Vt., in place of R. H. Standish. Incumbent's commission expired June 18, 1939.

VIRGINIA

Hattie C. Barrow to be postmaster at Dinwiddie, Va., in place of H. C. Barrow. Incumbent's commission expired April 12, 1940.

Ross V. Martindale to be postmaster at Sweet Briar, Va., in place of R. V. Martindale. Incumbent's commission expired January 20, 1940.

WASHINGTON

Emery L. Morsbach to be postmaster at Bucoda, Wash. Office became Presidential July 1, 1939.

Aaron W. Wilson to be postmaster at Clarkston, Wash., in place of A. W. Wilson. Incumbent's commission expires April 30, 1940.

Robert Kinzel to be postmaster at Entiat, Wash., in place of Robert Kinzel. Incumbent's commission expires April 30, 1940.

Selma Peterson to be postmaster at Marcus, Wash., in place of Selma Peterson. Incumbent's commission expires April 30, 1940.

WYOMING

Ann D. Keenan to be postmaster at Pine Bluffs, Wyo., in place of A. D. Keenan. Incumbent's commission expired April 2, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 26 (legislative day of April 24), 1940

JUDGE OF THE POLICE COURT FOR THE DISTRICT OF COLUMBIA

George D. Neilson to be judge of the Police Court for the District of Columbia.

UNITED STATES MARSHAL

Henry C. Armstrong to be United States marshal for the western district of Arkansas.

POSTMASTERS

KENTUCKY

Walter B. Sisk, Fleming.
Fanny L. Scott, Florence.
Beulah A. Foley, Ravenna.
Morgan B. Johnson, McRoberts.

LOUISIANA

William F. Roy, Jr., Arabi.
James O. Brouillette, Marksville.

OHIO

Nathan A. McCoy, Sr., Columbus.

UTAH

Dora N. Dennison, Castle Dale.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 26, 1940

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Behold, what manner of love the Father hath bestowed upon us that we should be called the sons of God. Thou art able to do exceeding abundantly above all that we ask or think; therefore do Thou work within us the purpose and the pleasure of Thy holy will. We rejoice that the zone of Thy Fatherhood in its sympathies, provisions, and invitations is as wide as the races of men. All glory, honor, and majesty be unto Thee, O Lord most high. Spare us from life's sorest loss, a loving and a believing heart. Almighty God, as human life is so manifold and so inglorious today, making its cries heard around the world, have mercy, have mercy. The cross, with its meaning and purpose, is but faintly gleaming in the minds of men. O stay Thou the flood of terror generated by the insanity of war. Draw near to all who are contesting their way in this burdened world, overtaken by fear, disaster, and death. Be with us, O Good Shepherd, make plain the pathway of duty, and Thine shall be the praise. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6264. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. SHEPPARD, and Mr. MCNARY to be the conferees on the part of the Senate.

The message also announced that the Senate had ordered that Mr. FRAZIER be appointed as an additional conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3800) entitled "An act to amend section 8 (e) of the Soil Conservation and Domestic Allotment Act, as amended."

BOARD OF VISITORS, UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore laid before the House the following communication, which was read:

APRIL 25, 1940.

Hon. WILLIAM B. BANKHEAD,
Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Hon. LINDSAY C. WARREN, Member of Congress from North Carolina, an appointee of the Board of Visitors of the United States Coast Guard Academy for the calendar year 1940, will be unable to attend the meeting of the Board at New London, Conn., on May 4. Therefore, by authority of Public, No. 183, Seventy-sixth Congress, first session, amending section 7, of Public, No. 38, Seventy-fifth Congress, first session, I have appointed Hon. JAMES A. O'LEARY, Member of Congress from the State of New York, as a member of the Board of Visitors in the place and stead of Mr. WARREN.

Yours very sincerely,

S. O. BLAND,
Chairman, Committee on Merchant Marine and Fisheries.

RIVER AND HARBOR APPROPRIATIONS, 1941

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Chair appointed the following conferees, Mr. MANSFIELD, Mr. GAVAGAN, Mr. DEROUEN, Mr. SEGER, and Mr. CARTER.

EXTENSION OF REMARKS

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a decision of the Supreme Court of the United States, rendered by Chief Justice Hughes the other day, concerning the respective water rights of the States of Colorado and Wyoming.

The SPEAKER pro tempore. Is there objection?

Mr. RANKIN. Mr. Speaker, I reserve the right to object, though I shall not do so, but I rise to express the gratification of the House upon having the distinguished chairman of the Committee on Appropriations back with us, sound and well. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado.

There was no objection.

Mr. EATON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from a New York newspaper.

The SPEAKER pro tempore. Is there objection?

There was no objection.

VETO OF TRAVEL PAY BILL

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I want to call the attention of the House to the remarks of the gentleman from Washington [Mr. SMITH], on pages 5030, 5031, and 5032 of yesterday's RECORD, in which he discusses the issues involved in the overriding of President Roosevelt's veto of the travel-pay bill for certain soldiers who took part in the Philippine Insurrection. Included in his remarks is the report of the Committee on War Claims. This will amply justify the vote of the House of 274 to 82 to override the President's third veto of this just bill, which was intended to right an ancient wrong, for there was never a more just claim against the Government. It is more than a just claim; it is a sacred obligation incurred by the responsible heads of the Government in a very serious crisis.

I ask the Members of the House to look over that extension of remarks, so that they may justify their vote of yesterday.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include letters which I have in my possession and a quotation from the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. THORKELSON. Also, Mr. Speaker, I ask unanimous consent to extend my own remarks and to include editorials on aviation from the Washington News.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AREA OF PRODUCTION

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to extend my remarks in the RECORD at this point.

The SPEAKER pro tempore. That was done once here yesterday, but I cannot agree to have that done any more. I made a statement upon the floor of the House 2 months ago in which I said that objection would be made to an extension of remarks before the legislative program of the day was taken up, and I shall have to object to the gentleman's request.

Mr. JOHNS. Very well, Mr. Speaker; I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNS. Mr. Speaker, I do this to call attention to a telegram which I have received from Edward A. O'Neal, president of the American Farm Bureau Federation, and a letter received from Charles W. Holman, secretary of the National Cooperative Milk Producers' Federation. They are in favor of the Barden amendments to the Wage and Hour Act, because they feel that is the only way they can come out whole on the cost of their products, where their markets have been taken away from them, they claim, by the trade treaties, and the amount of trouble they have during the rush season in many processing industries.

I ask unanimous consent to extend my remarks in the RECORD by inserting the telegram and letter referred to.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks in two particulars; in one to print a letter having to do with the rights of seamen, and the other having to do with the wage and hour law.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that on Monday next, following the legislative program of the day and any other special orders, I may be allowed to address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent for two extensions of my remarks: One to extend my remarks on the bill H. R. 289, and the other to extend my remarks and include a letter from the Air Line Pilots' Association.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

WHAT THE COMMON PEOPLE THINK

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I hold in my hand a little piece of paper about 2 inches wide and 3 inches long. It is a letter that was sent to me by one of my constituents who is one of the common people and a coal miner and small farmer. I want the Congress to know what the common people think and what they say. On this paper is written a great speech. On it is written a most profound sermon; and if I can read it within the time, I will do so. It is as follows:

MR. JENKINS: There are a lot of people that can and would make their own way if the Government would just let them alone. Too much dictatorship in the Government now. A man can't dig and sell a ton of coal on his own farm without having vendor license and make out reports and have them notarized and make yearly reports, and get bushels of Government paper telling him what to do. We don't want the Government to discourage all small and large business. Let the American flag mean to us what it did 60 years ago, a free country. Let's vote it straight Republican; and if that don't make it better, I will give up. I may be wrong, but don't think I am. Do all you can for the poor that can't help themselves.

[Applause.]

Mr. Speaker, I am glad to bring this bit of safe statesmanship and correct economy and sound theology to your attention. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks and include two letters.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mrs. NORTON. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mrs. NORTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Alexander	Disney	Lea	Shafer, Mich.
Allen, Ill.	Douglas	McMillan, Clara	Sheppard
Boren	Durham	Martin, Ill.	Sheridan
Buckley, N. Y.	Fitzpatrick	Merritt	Short
Burgin	Gilchrist	Miller	Smith, Ill.
Caldwell	Goodwin	Moser	Smith, Va.
Casey, Mass.	Hancock	Murdock, Utah	Starnes, Ala.
Chapman	Hendricks	Oliver	Steagall
Claypool	Hennings	Osmers	Sweeney
Connery	Hill	Plumley	Voorhis, Calif.
Crowther	Jarman	Reece, Tenn.	Wheat
Culkin	Johnson, Ind.	Rogers, Okla.	Whelchel
Darrow	Keller	Schulte	White, Idaho
Dies	Kirwan	Seccombe	White, Ohio

The SPEAKER pro tempore. Three hundred and seventy-four Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PRIVILEGES OF THE HOUSE

Mr. HOFFMAN. Mr. Speaker, a point of order. I rise to a question of the privilege of the House.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. HOFFMAN. Mr. Speaker, I rise to a question of the privilege of the House and will offer a resolution which I will send to the Clerk's desk.

Mr. Speaker, on yesterday, April 25, while the House was in session and had under consideration House Resolution 289, the gentleman from the Second Congressional District of Georgia, under the rules of the House, had the floor.

The official transcript shows that, at that time and while speaking to said resolution, certain proceedings occurred in the House during which certain remarks were made by the gentleman from the Second District of Georgia, which had reference to the gentleman from the Twelfth District of Michigan.

That, thereafter, the gentleman from the Twelfth District of Michigan demanded that the words of the gentleman from the Second District of Georgia be taken down; that the words which had been used were taken down; that they were reported by the Clerk of the House to the House; that the Speaker of the House thereupon made a ruling with reference thereto, and that, thereafter, a motion was made by the gentleman from the Twelfth District of Massachusetts; that said motion was put by the Speaker; that a vote was taken thereon and that the Speaker announced that said motion was adopted and that, thereafter, proceedings of the House were taken in accordance with said motion; and that all of the proceedings hereinbefore referred to are a part of the official records of the House, except such parts thereof as were properly withdrawn under a unanimous-consent request made by the gentleman from the Second District of Georgia—RECORD, p. 5052—when the following occurred:

> Mr. COX. Mr. Speaker, in view of the ruling of the Speaker pro tempore, I ask unanimous consent that I may withdraw certain remarks I made this afternoon to which objection was raised.
>
> The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. COX]?
>
> There was no objection.

It further appears from the CONGRESSIONAL RECORD, pages 5046 to 5647, that the CONGRESSIONAL RECORD, which is the official record of the House, does not contain the demand of the gentleman from the Twelfth District of Michigan that the words uttered by the gentleman from the Second District of Georgia be taken down. It does not contain the report of the Clerk of the House. It does not contain the ruling of the Speaker thereon.

It does not contain the motion of the gentleman from Massachusetts. It does not contain the record of the vote on said motion. It does not contain the announcement of the Speaker of the result of said motion nor the action of the House thereon.

That the omission of said matters to which reference has just been made results in an inaccurate record of the proceedings of the House on yesterday, April 25; that the omission reflects upon the integrity of the records of the House and that the record, as printed, is not a true, accurate record of the proceedings of the House as of yesterday and, if permitted to stand as the record of the House, will, in view of the fact that the public is aware that the CONGRESSIONAL RECORD is not now a true and an accurate statement of the proceedings of the House as of yesterday, tend to bring the House into disrepute.

Now, Mr. Speaker, we have had examples——

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. When a Member rises to a question of the privilege of the House he must first offer a resolution before addressing the Chair. I make the point of order that this has not been done.

The SPEAKER pro tempore. That, of course, is correct.

Mr. COX. Mr. Speaker, if the gentleman will yield to me——

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Georgia or not?

Mr. COX. If the gentleman will yield to me we can probably clear up the situation to his satisfaction—if he will yield to me for a brief statement.

Mr. HOFFMAN. I yield for a statement.

Mr. COX. Mr. Speaker, a copy of the remarks I made in the House on yesterday came to my office late in the afternoon, about the time I was going out with friends for dinner. I did not undertake to correct them until later in the evening. I hurriedly went over them and when I came to this part of the address I noticed that the proceedings to which the gentleman refers had been stricken out. I did not strike them out. As a matter of fact, I did not go over that part of the RECORD. I simply accepted what somebody else had done and passed on over the remainder of my remarks.

In view of what the gentleman says, I wish he would yield to me to ask unanimous consent to reinsert in the RECORD the entire proceedings with the exception of my remarks which were held to be out of order—and, I am willing to admit, properly so—to withdraw which I obtained unanimous consent later in the afternoon.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, in view of the statements of the gentleman from Georgia and the gentleman from Michigan, I believe the House should find out who did strike the remarks in question before we ask that they be reinserted.

Mr. HOFFMAN. Mr. Speaker, I refuse to yield further at this point.

Mr. COX. I made a perfectly honest statement about it.

The SPEAKER pro tempore. The Chair will state——

Mr. HOFFMAN. I would like a ruling on my question.

The SPEAKER pro tempore. A ruling cannot be made yet, for no resolution has been offered.

The Chair remembers very definitely that the gentleman from Georgia asked unanimous consent after we got back in the House yesterday to strike from the RECORD his remarks concerning the gentleman from Michigan.

Mr. COX. I felt that the House should grant that request on my part particularly because of the ruling of the Chair. But the gentleman is unquestionably right in the position he takes this morning. There are certain parts of the RECORD that should not have been deleted, and I am asking unanimous consent that the entire proceedings be put back in the RECORD, other than the deletion of my remarks.

The SPEAKER pro tempore. The gentleman from Georgia submits a unanimous-consent request. Is there objection?

Mr. HOFFMAN. I object, Mr. Speaker. I ask a ruling on the question of the privilege of the House I have raised.

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman from Michigan has not offered any resolution yet.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Must I offer a resolution in order to have the question of the privilege of the House passed upon?

The SPEAKER pro tempore. In order to raise that question a resolution must be offered. The gentleman from Mississippi has made the point of order that no resolution has been offered.

Mr. HOFFMAN. Very well, I offer such a resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

> Whereas the CONGRESSIONAL RECORD of April 25, 1940, is not, on pages 5046 to 5051, inclusive, a true and accurate record of the proceedings that took place on the floor of the House on yesterday, in that there is omitted therefrom a demand which was made on the floor of the House by the gentleman from the Twelfth Congressional District of Michigan that certain words uttered on the floor of the House by the gentleman from the Second District of Georgia be taken down, and, there is omitted therefrom, the ruling of the Speaker upon such demand, and there is omitted therefrom a motion which was made by the gentleman from the Twelfth District of Massachusetts, and there is omitted therefrom the vote taken on

said motion, and there is omitted therefrom the result of said vote and the subsequent direction of the Speaker to the gentleman from Georgia to continue: Now, therefore, be it

Resolved, That the RECORD of the House be corrected and that the proceedings above referred to be printed therein.

Mr. HOFFMAN. Mr. Speaker, I demand recognition on the resolution.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HOFFMAN. For how long?

The SPEAKER pro tempore. For 1 hour if the gentleman desires.

Mr. HOFFMAN. Mr. Speaker, it is a strange procedure where after for more than 3 or 4 or almost 6 years, during which this House has been asked to delegate its power to the administration or the executive branch of the Government, where after the executive branch had made an assault upon the courts and endeavored to influence the judicial procedure of the courts——

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman from Michigan [Mr. HOFFMAN] should confine his remarks to the resolution.

The regular order was demanded.

The SPEAKER pro tempore. The gentleman from Mississippi is seeking to make a point of order.

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman from Michigan has no right to go out of his way and attack the administration. He must confine his remarks to his resolution.

Mr. HOFFMAN. I recognize that fact, but since when in this country is a Member of the House denied the right on the floor of the House to attack the opposition? Such a denial of the right of criticism is the correct procedure in Russia and in Germany, but I am not aware that that is the proper procedure here in this House.

The SPEAKER pro tempore. The point of order is well taken, and the gentleman from Michigan [Mr. HOFFMAN] will proceed in order.

Mr. HOFFMAN. That is what I am trying to do.

Mr. COX. Will the gentleman yield to me?

Mr. HOFFMAN. Not now. I am calling the attention of the House to the seriousness of this question of procedure. Where in a country which is supposed to be free, where in a country after 7 years it is almost impossible for a man to carry on his business, where the Supreme Court of the United States has said that the remedy, if there is a remedy, when a man's business is destroyed, rests with Congress.

Note the language from the decision of the United States Circuit Court of Appeals for the District of Columbia in *Fur Workers Union, Local No. 72, et al.*, v. *Fur Workers Union, No. 21238, and H. Zirkin & Sons, Inc.* (decided March 27, 1939, and reported in 105 Fed. (2d) 1, and afterward affirmed by the United States Supreme Court on December 11, 1939). This is the language of the circuit court of appeals:

> The argument is that unless injunction can issue in such a situation, the employer may well, for lack of other remedy, see his business destroyed. * * *
>
> It is clear further that in such a situation there is no remedy for the employer under the National Labor Relations Act. * * *
>
> The result is an inequality before the law as between an employer and employees in this particular, namely, that while the employer has a substantive right to carry on his business, he lacks a legal remedy for protecting the same against injury through the struggle of competing unions.

And the court then said:

> Such argument of hardship must be addressed to Congress.

The circuit court of appeals, in a decision affirmed by the United States Supreme Court, having told us that a man's business might be destroyed; that the Court could not, or at least would not, protect him; and that his remedy was with Congress, is it not incumbent upon us to protect the record of our proceedings? To insist that the CONGRESSIONAL RECORD shows what happens here in Congress day by day? That it be a truthful account of the doings of the representatives of the people?

Mr. SABATH. Mr. Speaker, I make the point of order that the gentleman is not confining himself to the resolution.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HOFFMAN] will proceed in order.

Mr. HOFFMAN. I regret very much that the gentleman, who comes from that very, very small district in the city of Chicago, and who represents so very, very few people in Illinois, should object to a statement of the reasons why it is important that the RECORD of the House should truthfully set forth the proceedings of the House. When interrupted, what I was trying to say was this: When, after the Supreme Court in two decisions has stated that under the legislation passed by this body the business of a man—and they stated it in a case which involved a Washington resident—might be ruined and taken from him, and that the courts had no authority or no power to extend aid and that the remedy rests with Congress——

Mr. BULWINKLE. Mr. Speaker, I dislike to make a point of order, but the House has certain rules, and the gentleman who is trying to enforce the rules of the House should be governed by the rules of the House.

Mr. HOFFMAN. I agree, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HOFFMAN] was not proceeding in order when the gentleman from North Carolina [Mr. BULWINKLE] made the point of order.

Mr. HOFFMAN. You mean in laying the foundation, in attempting to show the necessity of the RECORD of the House being a true and an accurate account of the proceedings of the House, I am not in order?

The SPEAKER pro tempore. The Chair has ruled and does not desire to argue with the gentleman.

Mr. HOFFMAN. I beg the Chair's pardon. I do not want to argue, I only want to state the reasons for the introduction of the resolution, the purpose which it seeks to accomplish, the necessity for the House taking action on the matter.

The SPEAKER pro tempore. The gentleman was not proceeding in order and the Chair now asks for the third time that the gentleman proceed in order.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HOFFMAN. In just a minute. All I am attempting to do, and I hope I may have intelligence enough to proceed in order——

Mr. BULWINKLE. I hope so, too.

Mr. HOFFMAN. Is to show—I object to the gentleman interrupting me, when he violates the rules of the House by speaking without recognition from the Chair and at a time when I had not yielded to him.

Mr. SCHAFER of Wisconsin. Mr. Speaker, the gentleman from North Carolina [Mr. BULWINKLE] is out of order.

The SPEAKER pro tempore. The gentleman is out of order. The Gentleman from Michigan [Mr. HOFFMAN] will proceed in order.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for a question?

Mr. HOFFMAN. I yield for a question.

Mr. SCHAFER of Wisconsin. The question raised by the gentleman is a highly important one, particularly from the viewpoint of those who believe in our American constitutional system of Government. Of course, the New Deal bureaucrats who want to regulate everything used or done by man from the cradle to the grave, with or without constitutional sanction, might not think so. In view of its importance and in view of the fact that our colleague, the gentleman from Georgia [Mr. COX], has indicated that he had nothing to do with striking out vital parts of yesterday's daily CONGRESSIONAL RECORD, do you not think it would be well for the gentleman from Michigan to yield now to ascertain whether any other Member of this House had anything to do with striking out those vital parts? The RECORD today reveals that the gentleman from Georgia [Mr. COX] had nothing to do with it. He is an honorable gentleman and we do not want these proceedings to directly or indirectly indicate he did, because we know that he believes in our American constitutional system of government,

even though John L. Lewis, who has some people in his vest pocket, apparently does not.

Mr. MAY. Will the gentleman yield for a parliamentary inquiry?

Mr. HOFFMAN. I decline to yield.

In reply to the observation of the gentleman from Wisconsin, there is no intimation on my part, none whatever, that the gentleman from the Second District of Georgia left these remarks out of the RECORD. I made no such charge because I know that the gentleman from Georgia, who is always speaking in favor of constitutional government, the integrity of the courts and the records of the courts, would not think of such a procedure. I have not the slightest doubt he would be the first, had he noticed it, to raise the question, showing that the RECORD of the House as printed this morning is not a true record of what happened. The point which I wish to call to the attention of the House is this, that in this day and age when we have so much information as to what is happening in this Government of ours, and when we have so many of what to many of us seem to be strange rulings of the departments, of administrators; and when we have the governmental agencies making rulings which have the force of law——

Mr. RANKIN. Now, Mr. Speaker, I make the point of order that the gentleman is out of order.

Mr. HOFFMAN. Which are in fact legislation, that it is highly important, it is of supreme importance, and I hope the gentleman from Mississippi understands what I am trying to say—which is that the RECORD of the House should be a true statement of motions made and votes taken in the House—which the printed RECORD this morning is not.

Mr. RANKIN. No; I never have understood what the gentleman is trying to do, I am sorry to say.

Mr. HOFFMAN. He would be the first to insist that the daily RECORD——

Mr. RANKIN. That is what I am trying to do.

Mr. Speaker, I renew my point of order. The gentleman has a resolution. He has the right to speak to that resolution only, and not to go outside and attack the administration and to make a political speech. I make the point of order that he is out of order and has violated the ruling of the Chair.

The SPEAKER pro tempore. The Chair once more desires to call the attention of the gentleman from Michigan to the fact that he must proceed in order and speak to the matter at hand. The Chair trusts that under the rules that is all that will be necessary for the Chair to say. The gentleman will proceed in order and discuss his resolution.

Mr. COX. Mr. Speaker, will not the gentleman yield to me at this moment?

Mr. HOFFMAN. Not at this time.

Mr. Speaker, I am trying to proceed in order and discuss the resolution. If the only way that a resolution can be discussed is to repeat the words of the resolution, then that is a new method of debate to me. I had always supposed that, when a resolution was offered, you could go back and show the facts on which it was based, the reasons for the resolution, and the purpose of the resolution.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I will yield to the gentleman from Wisconsin for a brief question.

Mr. KEEFE. May I say to the Members of the House and to the gentleman that I think it is the general consensus of opinion of every Member of the House that the point of order and the question of privilege raised by the gentleman from Michigan is very sound, and that the question involved is highly important, in order that the integrity of the CONGRESSIONAL RECORD may be maintained. Now, it seems to me that the gentleman from Michigan has very clearly presented the issue, and I do not believe that more can be accomplished than to have the opinion of the House clearly manifested by restoring the RECORD so that it will show clearly and exactly what transpired yesterday in the proceedings of this House. I trust that the House will speedily adopt this resolution so that the RECORD may clearly demonstrate the proceedings which took place.

Mr. GAVAGAN. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GAVAGAN. Mr. Speaker, the gentleman from Michigan yielded to the gentleman from Wisconsin for a point of order, but instead of——

Mr. HOFFMAN. Oh, no.

Mr. KEEFE. Oh, no.

The SPEAKER pro tempore. As the Chair understood it, the gentleman from Michigan yielded to the gentleman from Wisconsin for a statement.

Mr. HOFFMAN. A question.

Mr. GAVAGAN. I understood the gentleman from Wisconsin to ask the gentleman to yield for a question. Instead, he is making a speech.

The SPEAKER pro tempore. The time is under the control of the gentleman from Michigan, and he can yield to whom he pleases.

Mr. KEEFE. May I ask the gentleman from Michigan at this time whether or not the purpose of his question of privilege will not be served by having the House speedily adopt this resolution and restore the RECORD to its position as it took place on the floor of the House yesterday, or by adopting the unanimous-consent request of the gentleman from Georgia?

Mr. COX. Mr. Speaker, will the gentleman yield to me? Will my friend from Michigan yield to me?

Mr. HOFFMAN. Not just now.

Mr. COX. I think you ought to yield at this time.

Mr. HOFFMAN. I know you and I sometimes disagree. I regret I cannot yield now.

Mr. COX. Not always.

Mr. HOFFMAN. No; just once in awhile we disagree.

Mr. COX. And we are not in disagreement on the point which you raise.

Mr. HOFFMAN. I am sure of that.

Mr. MICHENER rose.

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. MICHENER. I have not read the resolution; I heard it read. It seems clear that there is nothing in the resolution but what is proper, and there is nothing in the resolution but what the Speaker will find is correct. That being true, will not the gentleman yield to me or to someone to ask unanimous consent that the RECORD be corrected according to what transpired?

Mr. HOFFMAN. In answer to the gentleman, I recall that not so long ago we had another question before us involving the integrity of the House, and that after that question had been referred to a committee certain proceedings were taken and the objectionable matter was withdrawn, but later the same matter was referred to again on the floor of the House, and later part of it found its way into the newspapers. It seems to me that if the House really wants the RECORD to show what actually happened, action by the House should be taken. I hope there is no misunderstanding now, and I, too, think that the best interests of everyone will be served if we get to a speedy determination. I am going to contribute something toward that idea.

Let me here restate the matter which was omitted from the RECORD. From yesterday's proceedings on the floor was omitted, first, a demand which was made on the floor of the House by the gentleman from the Twelfth Congressional District of Michigan that certain words uttered on the floor of the House by the gentleman from the Second District of Georgia be taken down; second, the ruling of the Speaker upon such demand; third, a motion which was made by the gentleman from the Twelfth District of Massachusetts; fourth, the vote taken on said motion; and, fifth, the result of said vote and the subsequent direction of the Speaker to the gentleman from Georgia to continue.

Does the House realize that out of the RECORD was left the vote on the motion made in the House and adopted? If from the printed RECORD of the proceedings of the House may be omitted a motion made in the House, the vote by which that motion was adopted, then there is no reason why it would not

be proper to omit from the proceedings of the House the motion to adopt the resolution which was adopted yesterday, and the roll call on that resolution, or any other motion or resolution or vote thereon.

It does seem to me that the House should express itself on this resolution, and therefore I will ask for a vote, and I move the previous question on the resolution and demand the yeas and nays on it.

Mr. COX. Now, Mr. Speaker, will the gentleman yield to me before he yields the floor?

The SPEAKER pro tempore. The gentleman from Michigan moves the previous question on his resolution.

The question was taken; and on a division (demanded by Mr. HOFFMAN) there were—ayes 102, noes 139.

So the previous question was rejected.

Mr. COX. Mr. Speaker, may I have recognition?

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. COX. Mr. Speaker and my colleagues, blame properly attaches to me for not having examined that part of the RECORD which was stricken when my remarks came to me. If I had gone over it, of course, I would have recognized that there were parts that were stricken out that should have remained. I concede, of course, that the gentleman from Michigan is correct in the position he takes; that is, that there are parts of the RECORD deleted that should have remained in and ought to be in. It was for that reason that I asked unanimous consent that the entire proceedings be restored with the exception of my remarks which were withdrawn, and, as I stated to the House, I asked unanimous consent to withdraw them because of the ruling of the Chair and, therefore, felt that I owed that much to the aggrieved party and to the House, and I do now. Mr. Speaker, I ask unanimous consent to restore the matter stricken from the RECORD.

Mr. HOOK, Mr. RANKIN, and Mr. MAAS reserved the right to object.

The SPEAKER pro tempore. Let the Chair put the question. The gentleman from Georgia asks unanimous consent that the matter referred to be restored to the RECORD. Is there objection to the request of the gentleman from Georgia?

Mr. HOOK and Mr. MAAS reserved the right to object.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Michigan [Mr. HOOK].

Mr. RANKIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. As a matter of fact, and under the rules of the House, without going through all this hullaballoo, could not this have been corrected if the gentleman from Michigan had merely made a point of order that this material should go into the permanent RECORD and should not have been inadvertently stricken out?

The SPEAKER pro tempore. It would have taken some action by the House and the gentleman from Georgia made a request which would have done it. The gentleman from Georgia has the floor and the gentleman from Michigan [Mr. HOOK] has reserved the right to object.

Mr. HOOK. Reserving the right to object, Mr. Speaker, and I shall not object, it seems as though this controversy here involves a situation that arose concerning myself, and certain remarks by the gentleman from Georgia [Mr. COX]. You are well aware of the action of the speaker with regard thereto. Now, I feel this way about it. I am ready and willing to adopt the Golden Rule and do unto others as I would expect others to do unto me, even though that rule was not applied on a previous occasion in which I was also the center of the storm. I hope that the controversy over this affair will not reach the low level that was reached at that time. It is my honest opinion that this resolution was brought in here for the purpose of bringing about further discussion of the controversy that happened yesterday. I am not a party to this resolution. I think it is an unnecessary interruption of the business of the House. This controversy should be ended right now. I therefore will not object to the request. Hereafter let the rules of the House be adhered to and avoid such affairs as this.

Mr. MARTIN of Massachusetts. Mr. Speaker, I believe the gentleman from Michigan should confine himself to the facts and not to what he believes.

The SPEAKER pro tempore. The gentleman from Michigan will proceed in order.

Mr. HOOK. I therefore shall not object.

Mr. MAAS. Reserving the right to object, Mr. Speaker, does the gentleman from Georgia know who did strike out the pertinent parts of the RECORD?

Mr. COX. I have no more idea than the gentleman himself.

Mr. MAAS. Can the gentleman tell us who it was that initialed the copy prior to the gentleman receiving it?

Mr. COX. I do not recall.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object. Does not the gentleman believe that the House should determine who attempted to sabotage yesterday's CONGRESSIONAL RECORD?

Mr. COX. I think that question might properly be brought up under a resolution to investigate.

Mr. SCHAFER of Wisconsin. It is a very important question to determine.

Mr. COX. Probably so. I am sure that nobody intended to do anything wrong.

Mr. SCHAFER of Wisconsin. I am very glad that the gentleman had nothing to do with it and I shall not object to his request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Michigan withdraw his resolution?

Mr. HOFFMAN. Mr. Speaker, inasmuch as unanimous consent is granted and it accomplishes the same purpose, I see no object in pressing the resolution. I withdraw the resolution.

PHOSPHATE RESOURCES OF THE UNITED STATES

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 199, amending Public Resolution Numbered 112 of the Seventy-fifth Congress and Public Resolution Numbered 48 of the Seventy-sixth Congress, and consider the same at this time.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to take from the Speaker's table Senate Joint Resolution 199 and consider the same. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the life of the committee provided for by Public Resolution No. 112 of the Seventy-fifth Congress, creating a Joint Congressional Committee to Investigate the Adequacy and Use of the Phosphate Resources of the United States, and Public Resolution No. 48 of the Seventy-sixth Congress, and the time for making its final report, is extended to January 15, 1941.

The SPEAKER pro tempore. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. As I understand it, this merely continues this investigation.

Mr. PETERSON of Florida. That is correct.

Mr. MARTIN of Massachusetts. And the committee has not expended the fund?

Mr. PETERSON of Florida. No. The original report states that we have expended none of the funds, and we will keep within the amount allowed.

Mr. MARTIN of Massachusetts. I have no objection.

Mr. CASE of South Dakota. Mr. Speaker, further reserving the right to object, is it not true that the only reason that the committee was prevented from completing its work and making its report was because of the special session last fall?

Mr. PETERSON of Florida. Yes; otherwise we would have completed our work.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SABATH. Mr. Speaker, I reserve the right to object.

Mr. PETERSON of Florida. Mr. Speaker, this resolution was reported out originally by the gentleman's committee. We have kept within the funds allowed. In fact, we have not spent any of the funds, and we are merely asking that the date be moved up within which to make a report. The Senate passed this Monday last.

Mr. SABATH. What resolution is it?

Mr. PETERSON of Florida. It merely extends the time within which we may make our report.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a telegram from Pilot Ted Jonson, of the American Air Lines.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the memorial exercises for Representative CLYDE H. SMITH, of Maine, and to include therein the tributes paid to his service at the exercises in his memory at Skowhegan, Maine; also an address delivered by Representative SMITH as a young man of 21, when a member of the Maine Legislature, at memorial exercises for Hon. Thomas B. Reed, a former Representative from Maine and a former Speaker of the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in two respects.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article from the magazine American Mercury, by Stanley High.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House, by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 23, 1940:

H. R. 2041. An act for the relief of Tom Kelly.

On April 25, 1940:

H. R. 6039. An act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes;

H. R. 6693. An act to amend provisions of law relating to the use of private vehicles for official travel in order to effect economy and better administration; and

H. J. Res. 289. Joint resolution to amend section 5 of Public Law No. 360, Sixty-sixth Congress.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of flood control, soil, and water conservation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

OBSERVANCE AND COMMEMORATION OF AMERICAN CITIZENSHIP DAY

Mr. SUMNERS of Texas. Mr. Speaker, I call up the conference report on the resolution (H. J. Res. 437) authorizing the President of the United States of America to proclaim Citizenship Day, for the recognition, observance, and commemoration of American citizenship.

The Clerk read the title of the House joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Joint Resolution (H. J. Res. 437) authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments, and agree to the same.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
Managers on the part of the House.

ALBERT B. CHANDLER,
JNO. E. MILLER,
ALEXANDER WILEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 437) authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of American citizenship, submit the following explanation of the effect of the action agreed upon in conference, and recommended in the accompanying conference report:

The Senate amendment to the preamble simply omitted the word "voting" before the word "age", in the first paragraph of the preamble. The House agrees to this amendment.

The Senate amendment to the joint resolution added after the word "citizenship" at the end of the first paragraph, the following: ", and the day shall be designated as 'I Am an American Day.'"

The House conferees were of the opinion that this amendment was not objectionable because the prime purpose of the joint resolution is to emphasize the privileges and responsibilities of being an American citizen. The House agrees to this amendment.

The Senate amendment to the title merely conformed the title of the joint resolution to the designation "I Am an American", and the House agrees to this amendment.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. CASE of South Dakota. Mr. Speaker, I would like to ask the chairman of the Judiciary Committee if any consideration was given by the committee to the fact of the day that is designated. As I understand it, this calls for the setting aside of a certain day as Citizenship Day. It occurred to me when reading the debate in the RECORD that some consideration should have been given to the setting of some day other than Sunday.

Mr. SUMNERS of Texas. I had assured the Speaker that this matter would not take up any time. I will ask the gentleman from Alabama [Mr. HOBBS] if he will make a statement for the gentleman.

Mr. HOBBS. Mr. Speaker, as requested by the distinguished gentleman from South Dakota [Mr. CASE], I am happy to make this statement with reference to the date fixed for "I am an American Day."

This matter was given consideration not only by the authors of the bill, but also by the subcommittees, the full committees, by the Senate and by the conferees. So much so, in fact, that the date was changed several times. But

the changes of the date were not for the reason which the careful and conscientious legislator from South Dakota has just told me, actuated his interrogation.

He rose because of his doubt of the wisdom and propriety of prescribing Sunday as the day for the observance.

I honor him for raising the question.

The Lord's day is not ours to use for secular purposes. It is a holy day—not a holiday. It must not be desecrated.

Nor should we be unmindful of our traditional and honored American doctrine of separation of church and state.

But none of us who have worked on this bill believes for a moment that there is even the possibility of desecration implicit in the observance here ordained. We hold, rather, that this observance will prove a hallowed and deeply religious exercise. It must, if the ideology back of it governs. It means consecration—not desecration.

Separation of church and state has never meant that the influence of the church was not desired in affairs of state. Nothing is more so. In truth, that uplifting influence working in the hearts and lives of all men is the only hope of the world.

The Constitution inhibits only the establishment of religion by law. It guarantees religious freedom—not that religion shall be aloof from life.

The author of the Virginia statute for religious freedom proved by his hope of divine guidance of our Nation by joining Franklin and Adams in designing our first currency with the pillars of cloud and of fire prominently depicted thereon.

Every nation needs statesmen who are churchmen; churchmen who are statesmen; a citizenship that means what our coinage proclaims, "In God we trust."

So, by all means, let us not secularize Sunday but use its holy power to uplift and consecrate citizenship. There must never be here a state church nor a church state, but let us invite, welcome, and utilize the help of every church in building a better state.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an address delivered by Senator BRIDGES, of New Hampshire.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks and include a telegram from Moss Peterson Southwestern Division Air Congress of America.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter addressed to me by Prof. Comfort A. Adams, former dean of the Harvard School of Engineering.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a resolution passed by the Western Association of Highway Officials.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

INCREASE OF PENSIONS TO CERTAIN WIDOWS OF VETERANS OF THE CIVIL WAR—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 710)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without approval, H. R. 6901, entitled "An act granting increase of pensions to certain widows of veterans of the Civil War."

The bill provides increased pensions to 362 widows of veterans of the Civil War at rates in excess of those provided for these widows by existing public or private laws.

The Veterans' Administration was not requested to furnish a report to either committee of the Congress having jurisdiction of this bill during its consideration by the committees.

Several of the widows named in the bill have been granted increases by reason of attaining age 70 under the provisions of existing public law since this bill was first reported in 1939. A small number will become eligible in the future for increases under the same conditions. As to the private act cases which would be increased to $30 per month, eligibility under existing service pension laws does not exist because of the delimiting marriage date.

The existing service pension law provides a $50 monthly pension for a Civil War veteran's widow provided she was the wife of the veteran during his Civil War service. The bill would provide increases from $40 to $50 per month for 346 widows who are not eligible for such $50 rate under public law and who are receiving $40 per month because of attainment of age 70.

It is quite evident that the Congress was impressed by the advanced age, economic condition, and physical infirmities of this group. Such considerations incite the greatest sympathy and would be impelling were it not for the fact that this group of 362 widows is only a small part of the total number of 50,017 Civil War widows on the rolls March 31, 1940, many of whom would no doubt be found to be in similar circumstances and merit equal consideration and treatment. To single out this small group for special consideration would cause dissatisfaction and disappointment unless equal treatment were afforded similar meritorious cases.

To advance the 346 widows of veterans to the $50 rate who were not married to the veterans when they served will, at this late date, depreciate the status the Congress has seen fit in the past to grant to a very meritorius group. Further, the rate of $50 per month exceeds the highest rate granted to widows of veterans who have died in combat or otherwise as the result of service-connected disabilities, which, I believe, cannot be justified, no matter how impelling our sympathies may be for those who would benefit by this proposed legislation.

The increased annual cost of this bill is insignificant standing alone but the principle involved and inequalities created are of much importance. Should the bill be approved, to be fair, it would be necessary to grant similar increases to many more on the rolls.

In my opinion, our Government has been fairly generous in providing pensions for the Civil War group through the enactment of public laws providing standards under which all veterans and dependents are treated alike under similar circumstances. I do not feel that individuals should be granted benefits to which they are not entitled under the public laws unless it is clearly shown that the facts and circumstances surrounding the individual case are unique and justify special consideration.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 25, 1940.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill printed as a House document.

The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. LESINSKI. Mr. Speaker, as chairman of the committee which recommended this legislation to the House, I believe it is my duty to offer an explanation of the contents of the bill.

The SPEAKER pro tempore. If the gentleman insists, the Chair will certainly recognize him.

Mr. LESINSKI. Mr. Speaker, in justice to the committee and the Members of the House, I believe that I should make such explanation.

The SPEAKER pro tempore. The gentleman is recognized for 1 hour.

Mr. LESINSKI. Mr. Speaker, H. R. 6901, which was the subject of the veto message, was passed by this House on July 5, 1939. The Senate passed this bill with amendments on April 10, 1940. The House concurred in the Senate amendments on April 15, 1940. This legislation had for its purpose the granting of increase of pensions to certain widows of veterans of the Civil War.

The reason for these increases is that the present law provides that the widow of a Civil War veteran shall receive a pension of $30 and when she attains the age of 70 years the amount is increased to $40 per month. That is the maximum they can receive unless they were married to the veteran during his Civil War service; in such cases they are entitled to $50 per month. I might add that the $30 and $40 rates are paid under the service-pension laws to widows who married the veteran prior to June 27, 1905.

In years past Congress has enacted special acts for such widows who were not capable of caring for themselves and who needed special attention because of mental or physical disabilities. These acts have increased their pensions to $50.

The original House bill carried 341 private bills involving a total cost of $41,148. Already deaths of widows who would be beneficiaries have reduced the cost to $40,428, even before it was considered by the Senate. The Senate amendments added 31 additional pensioners. This brought the cost for the first year of operation to $44,148.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. COCHRAN. The gentleman has referred to the cost of this bill. The President specifically stated in his message that the cost was insignificant. The President lays stress upon the principle involved. The bill takes care of 362 widows out of a total of 50,017. That seems to be the present objection, not the cost.

Mr. LESINSKI. Answering the gentleman from Missouri, I may say that I called on the President last year before any type of bill was considered by the committee. At that time the President very specifically stated that he did not favor general legislation and that meritorious cases could be taken care of by private bills and would be less expensive. That is the reason this bill was presented to the House. As a matter of fact it contained only 341 private bills when it was reported by the committee.

Let us see what increases in pension this bill makes in the case of the widows benefited. One is increased from $15 to $30, 2 increased from $20 to $30, 1 from $26 to $30, 13 from $30 to $40, 2 from $30 to $50, and 322 from $40 to $50.

The majority of these beneficiaries are of advanced age. Of the 341 individuals named in the original bill as reported to the House 264 have attained the age of 80 years or more. Of this group 196 are between the ages of 80 and 89; 66 are between the ages of 90 and 99; and 2 of them are aged 100 years.

The committee in its wisdom felt that people who had reached the age of these widows and who needed special care and attention were entitled to a little higher pension than the existing law provided.

This type of bill has received the approval of the Congress from time to time for the past 40 years and establishes no precedent. I ask that the House do not sustain the President's veto of this very meritorious legislation.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. JOHNSON of Oklahoma. As I understand this bill does not add any names to the list of those now receiving pensions but merely increases the mere pittance they now receive to take care of themselves in their old age.

Mr. LESINSKI. That is correct.

Mr. BOLLES. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. BOLLES. Is it not a fact that whatever amount is appropriated by this bill will be constantly diminished in size?

Mr. LESINSKI. That is correct.

Mr. BOLLES. For instance we cannot expect these 100-year-old widows to live very long.

Mr. LESINSKI. That is correct.

Mr. BOLLES. The same applies to those between 80 and 99.

Mr. LESINSKI. Certainly.

Mr. BOLLES. This action taken by the Committee on Invalid Pensions was taken for the sole purpose of correcting those cases which had been overlooked heretofore.

Mr. LESINSKI. That is correct.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. ROBSION of Kentucky. As I understand the chairman of the committee, all of these persons are now on the pension rolls.

Mr. LESINSKI. That is correct.

Mr. ROBSION of Kentucky. What is the age of the youngest person included in the bill?

Mr. LESINSKI. I am sorry that I cannot give you that information, but the average age of these proposed beneficiaries is 84 years.

Mr. ROBSION of Kentucky. And what is the age of the oldest person?

Mr. LESINSKI. Exactly 100.

Mr. ROBSION of Kentucky. So this applies to a class of people now on the rolls between the ages of 80 and 100 years of age?

Mr. LESINSKI. Correct.

Mr. ROBSION of Kentucky. Are they all needy persons?

Mr. LESINSKI. The committee has a set rule that unless a person is needy we do not recommend an increase in the rate of pension they are receiving.

Mr. ROBSION of Kentucky. Your committee was convinced that every one of these persons between the ages of 80 and 100 are in needy circumstances.

Mr. LESINSKI. That is correct.

Mr. ROBSION of Kentucky. I want to say one word to commend the chairman of this committee and his committee for the fine attitude they take toward the Civil War veterans and other veterans and their dependents. I think his attitude is splendid. I am very much in favor of this bill.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. DONDERO. I will add my commendation to that of the gentleman from Kentucky. I want to ask the gentleman one question. The President seems to think that this bill will open the door to the granting of similar increases to many more widows. Is there anything to that?

Mr. LESINSKI. That is not true because this bill does not set a precedent. The precedent was established 40 years ago.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. SCHAFER of Wisconsin. As a minority member of the committee I want to congratulate the gentleman for bringing to the attention of the House the facts with regard to this meritorious bill. This bill was reported out by a unanimous vote of the committee after thorough and extensive consideration, was it not?

Mr. LESINSKI. That is true.

Mr. SCHAFER of Wisconsin. The President states in the last line of his veto message:

> I do not feel that individuals should be granted benefits to which they are not entitled under the public laws unless it is clearly shown that the facts and circumstances surrounding the individual case are unique and justify special consideration.

Mr. LESINSKI. We believe these cases are justified by the facts set forth in the individual reports which accompanied the bill.

Mr. SCHAFER of Wisconsin. Has not the committee carefully studied all of the bills contained in this omnibus bill?

Mr. LESINSKI. It has.

Mr. SCHAFER of Wisconsin. And the committee has found that these are cases which are unique and justify special consideration?

Mr. LESINSKI. That is correct.

Mr. SCHAFER of Wisconsin. Therefore, following the last line of the President's veto message, this bill should be passed over the President's veto by unanimous vote?

Mr. LESINSKI. I am of the same opinion.

Mr. LUDLOW. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Indiana.

Mr. LUDLOW. Under nature's mortality tables, in all probability quite a number of these aged people will pass away before long?

Mr. LESINSKI. The average now is about 13 percent a year and it increases quite rapidly when you get to the widows in the higher-age brackets. I doubt whether many of those named in this bill will live over 2 or 3 years longer.

Mr. LUDLOW. Assuming they all do live, what would be the total charge on the Treasury?

Mr. LESINSKI. It would be $44,148 the first year, and as they die off, of course, it will decrease.

Mr. COSTELLO. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from California.

Mr. COSTELLO. Is it not a fact that this pension, as the President states, is going to be far in excess of what any widow of a World War veteran who was killed in the war is receiving at the present time? Do not such widows receive only $30 a month?

Mr. LESINSKI. The widows of World War veterans receive $45 a month if they are past 50 years of age. That was increased not long ago. The widows of World War veterans are not 80, 90, or 100 years old and they do not, as a general rule, need special care.

Mr. COSTELLO. But widows of World War veterans may have far greater expenses than a person who is 80 or 90 years old. While the gentleman states there are only a few affected by this legislation, is it not a fact that there are going to be forty thousand or fifty thousand of these widows who will also come in for the same treatment and the ultimate cost will be very high?

Mr. LESINSKI. I do not agree with the gentleman, because these widows die off in the low-age brackets just as fast and sometimes faster than those in the higher brackets. The record shows that 823 widows of Civil War veterans died this past month.

Mr. COSTELLO. But there is still a large group of them.

Mr. LESINSKI. There is, but the list keeps going down and down.

Mr. BOLLES. There is a constant attrition.

Mr. LESINSKI. Yes.

Mr. BOLLES. And 10 years from now under the mortality tables there will be but one-third of those on the roll left?

Mr. LESINSKI. I personally do not believe there will be one-third.

Mr. BOLLES. We checked that out and found that is the fact.

Mr. IZAC. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from California.

Mr. IZAC. Will the gentleman explain to the House how it happens that so many of these widows receive as low as $15 a month?

Mr. LESINSKI. There is only one widow receiving $15 per month in this bill and that rate was granted her by a special act of Congress approved in 1926.

Mr. IZAC. It is obvious these widows have been underpaid all these years?

Mr. LESINSKI. That is true, some of them have.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. By "private establishment" the gentleman means the Regular Army, Navy, and Marine Corps in times of peace?

Mr. LESINSKI. That is right.

Mr. ROBSION of Kentucky. The President in vetoing H. R. 6901, granting an increase of pension to certain widows of veterans of the Civil War, again in my opinion showed his lack of sympathy for the defenders of our country and their widows and orphans.

The President stated in his veto message that he did not feel that individuals should be granted benefits to which they are not entitled under the public laws unless it is clearly shown that the facts and circumstances surrounding the individual case are unique and justify special consideration.

None of these widows of Union Civil War veterans are receiving more than $40 per month. Some of them are receiving as low as $30 per month. The minimum age of these widows is 80 years, and two of them that would be included in this bill are 100 years old—that is to say, not one of them is less than 80 years of age and two of them are as much as 100 years old. They are all persons in needy circumstances, according to the evidence produced before the Invalid Pensions Committee. They are in need of the aid and attendance of another person. It would be difficult to find a group of aged people more deserving than these aged Civil War widows.

This bill provides a pension of $50 per month for each of them. That will mean very little expense to the Government. Perhaps half of them will be dead within a year, and more than likely none of them will be living in 4 or 5 years from now. It certainly is clearly shown that the facts and circumstances surrounding these individual cases are unique and justify special consideration, and if we follow the language of the President, these widows certainly are entitled to this consideration and the veto of the President should be overruled and the bill passed notwithstanding his veto. It is my pleasure to so express myself and vote to override the President's veto.

This administration has created a very large number of bureaus and commissions and has added approximately 400,000 Federal officeholders. As much as a million dollars has been paid to a single corporation not to produce sugar and cotton. More than $200,000 has been paid to each of a large number of corporations and big landowners not to produce hogs, wheat, corn, cotton, and so forth. It seems to me the small amount carried in this bill to care for the helpless and dependent widows of those who gave their lives or offered their lives to preserve this great Nation should have received the approval of the President instead of his veto. This administration has wasted and squandered billions, and then denies a few thousands of dollars to the widows and orphans of veterans.

The SPEAKER pro tempore. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? The Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 142, not voting 70, as follows:

[Roll No. 88]

YEAS—218

Allen, Ill.	Dworshak	Jennings	Polk
Andersen, H. Carl	Eaton	Jensen	Powers
Anderson, Calif	Elliott	Johns	Rabaut
Anderson, Mo.	Elston	Johnson, Ill.	Reed, Ill.
Andresen, A. H.	Engel	Johnson, Okla.	Reed, N. Y.
Andrews	Englebright	Jones, Ohio	Rees, Kans.
Angell	Evans	Jonkman	Risk
Arends	Fay	Keefe	Robsion, Ky.
Arnold	Fenton	Kelly	Rockefeller
Austin	Fernandez	Kennedy, Martin	Rodgers, Pa.
Ball	Flaherty	Kinzer	Rogers, Mass.
Barnes	Flannagan	Kocialkowski	Routzohn
Barton, N. Y.	Flannery	Kunkel	Rutherford
Bates, Ky.	Ford, Leland M.	Lambertson	Sandager
Bates, Mass.	Fries	Landis	Sasscer
Beam	Gamble	Larrabee	Schaefer, Ill.
Bender	Gartner	Lea	Schafer, Wis.
Blackney	Gearhart	Leavy	Schiffler
Bolles	Gehrmann	LeCompte	Schuetz
Bolton	Geyer, Calif.	Lemke	Secrest
Boykin	Gifford	Lesinski	Seger
Bradley, Mich.	Gillie	Lewis, Ohio	Shanley
Brewster	Goodwin	Ludlow	Shannon
Brown, Ohio	Graham	McAndrews	Smith, Conn.
Buck	Grant, Ind.	McArdle	Smith, Ohio
Buckler, Minn.	Gross	McCormack	Smith, Wash.
Burdick	Guyer, Kans.	McDowell	Spence
Byrne, N. Y.	Gwynne	McGregor	Springer
Cannon, Mo.	Hall, Edwin A.	McKeough	Stearns, N. H.
Carlson	Hall, Leonard W.	McLeod	Stefan
Carter	Halleck	Maas	Sumner, Ill.
Cartwright	Hancock	Maciejewski	Sutphin
Case, S. Dak.	Harness	Magnuson	Sweet
Chiperfield	Hart	Maloney	Taber
Church	Harter, N. Y.	Marcantonio	Talle
Clason	Harter, Ohio	Marshall	Tenerowicz
Clevenger	Hartley	Martin, Iowa	Thill
Cluett	Havenner	Martin, Mass.	Thomas, N. J.
Coffee, Wash.	Hawks	Mason	Thorkelson
Cole, N. Y.	Hendricks	Massingale	Tibbott
Connery	Hess	Michener	Tolan
Corbett	Hinshaw	Mitchell	Treadway
Crawford	Hoffman	Monkiewicz	Van Zandt
Crosser	Holmes	Mott	Vreeland
Crowe	Hook	Mundt	Walter
Crowther	Hope	Murdock, Ariz.	Wheat
Culkin	Horton	Murdock, Utah	Wigglesworth
Cummings	Houston	Murray	Williams, Del.
Curtis	Hull	Myers	Winter
Dempsey	Hunter	O'Brien	Wolcott
Dingell	Izac	O'Connor	Wolverton, N. J.
Dirksen	Jacobsen	Oliver	Woodruff, Mich.
Ditter	Jarrett	Parsons	Youngdahl
Dondero	Jenkins, Ohio	Pittenger	
Dunn	Jenks, N. H.	Plumley	

NAYS—142

Allen, La.	Drewry	Kleberg	Richards
Allen, Pa.	Duncan	Knutson	Robertson
Barden, N. C.	Durham	Kramer	Robinson, Utah
Barry	Eberharter	Lanham	Romjue
Beckworth	Edelstein	Lewis, Colo.	Ryan
Bland	Edmiston	Luce	Sabath
Boehne	Ellis	Lynch	Sacks
Brooks	Ferguson	McGehee	Satterfield
Brown, Ga.	Folger	McLaughlin	Schwert
Bryson	Ford, Miss.	McLean	Sheridan
Byrns, Tenn.	Fulmer	McMillan, John L.	Smith, Va.
Byron	Garrett	Mahon	Snyder
Camp	Gathings	May	Somers, N. Y.
Cannon, Fla.	Gavagan	Miller	South
Casey, Mass.	Gibbs	Mills, Ark.	Sparkman
Celler	Gore	Mills, La.	Sullivan
Clark	Gossett	Monroney	Sumners, Tex.
Cochran	Grant, Ala.	Moser	Tarver
Coffee, Nebr.	Gregory	Nichols	Terry
Colmer	Griffith	Norrell	Thomas, Tex.
Cooley	Hare	Norton	Thomason
Cooper	Hobbs	O'Day	Tinkham
Costello	Johnson, Luther A.	O'Neal	Vincent, Ky.
Courtney	Johnson, Lyndon	O'Toole	Vinson, Ga.
Cox	Johnson, W. Va.	Pace	Vorys, Ohio
Cravens	Jones, Tex.	Patman	Wadsworth
Creal	Kean	Patrick	Ward
Cullen	Kee	Patton	Warren
D'Alesandro	Kefauver	Pearson	Weaver
Darden, Va.	Kennedy, Md.	Peterson, Ga.	West
Davis	Kennedy, Michael	Pfeifer	Whittington
Delaney	Keogh	Poage	Williams, Mo.
DeRouen	Kerr	Ramspeck	Wood
Dickstein	Kilburn	Rankin	Zimmerman
Doughton	Kilday	Rayburn	
Doxey	Kitchens	Rich	

NOT VOTING—70

Alexander	Bloom	Boren	Buckley, N. Y.
Bell	Boland	Bradley, Pa.	Bulwinkle
Burch	Gilchrist	Mouton	Smith, Ill.
Burgin	Green	Nelson	Smith, W. Va.
Caldwell	Harrington	O'Leary	Starnes, Ala.
Chapman	Healey	Osmers	Steagall
Claypool	Hennings	Peterson, Fla.	Sweeney
Cole, Md.	Hill	Pierce	Taylor
Collins	Jarman	Randolph	Voorhis, Calif.
Darrow	Jeffries	Reece, Tenn.	Wallgren
Dies	Johnson, Ind.	Rogers, Okla.	Welch
Disney	Keller	Schulte	Whelchel
Douglas	Kirwan	Scrugham	White, Idaho
Faddis	McGranery	Seccombe	White, Ohio
Fish	McMillan, Clare	Shafer, Mich.	Wolfenden, Pa.
Fitzpatrick	Mansfield	Sheppard	Woodrum, Va.
Ford, Thomas F.	Martin, Ill.	Short	
Gerlach	Merritt	Simpson	

So (two-thirds not having voted in favor thereof) the veto of the President was sustained, and the bill was rejected.

The Clerk announced the following pairs:

General pairs:

Mr. Woodrum of Virginia with Mr. Short.
Mr. Hennings with Mr. Wolfenden of Pennsylvania.
Mr. Dies with Mr. Seccombe.
Mr. Collins with Mr. Reece of Tennessee.
Mr. Burch with Mr. Gilchrist.
Mr. Boland with Mr. Douglas.
Mr. Mahon with Mr. Johnson of Indiana.
Mr. Bulwinkle with Mr. Osmers.
Mr. Nelson with Mr. White of Ohio.
Mr. Chapman with Mr. Murray.
Mr. Randolph with Mr. Fish.
Mr. Faddis with Mr. Darrow.
Mr. Jarman with Mr. Gerlach.
Mr. Starnes of Alabama with Mr. Shafer of Michigan.
Mr. Steagall with Mr. Jeffries.
Mr. Mansfield with Mr. Welch.
Mrs. Clara G. McMillan with Mr. Simpson.
Mr. Caldwell with Mr. Alexander.
Mr. O'Leary with Mr. Green.
Mr. Sweeney with Mr. Keller.
Mr. McGranery with Mr. Bell.
Mr. Mouton with Mr. Claypool.
Mr. Bloom with Mr. Pierce.
Mr. Boren with Mr. Martin of Illinois.
Mr. Peterson of Florida with Mr. Bradley of Pennsylvania.
Mr. Burgin with Mr. Cole of Maryland.
Mr. Schulte with Mr. Harrington.
Mr. Merritt with Mr. Scrugham.
Mr. Wallgren with Mr. Disney.
Mr. Fitzpatrick with Mr. Hill.
Mr. Kirwan with Mr. Voorhis of California.
Mr. Sheppard with Mr. Taylor.
Mr. Healey with Mr. Buckley of New York.

Mr. GROSS and Mr. HOFFMAN changed their votes from "nay" to "yea."

Mr. GARRETT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The message and the bill, together with the accompanying papers, were referred to the Committee on Invalid Pensions and ordered printed. The Clerk will notify the Senate of the action of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—ALASKAN INTERNATIONAL HIGHWAY COMMISSION (H. DOC. NO. 711)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with accompanying illustrations:

To the Congress of the United States:

In accordance with the provisions of the act of Congress "to create a commission to be known as the Alaskan International Highway Commission" approved May 31, 1938, I transmit herewith for the information of the Congress, the report of the Commission.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 25, 1940.*

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MCCORMACK asked and was given permission to extend his own remarks in the RECORD.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I expect to make today on the amendments to the Fair Labor Standards Act of 1938 and include therein certain extracts from letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT

Mr. RICH. Mr. Speaker, on the last roll call I had a pair with the gentleman from Illinois, Mr. KELLER. I do not know how he would have voted. I inadvertently omitted withdrawing my vote. I wish to make this statement to the House.

AMENDMENTS TO FAIR LABOR STANDARDS ACT OF 1938

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5435) to amend the Fair Labor Standards Act of 1938; and pending that, I ask unanimous consent that the time for general debate be extended to run throughout the day, the time to be equally divided and controlled by the gentleman from California [Mr. WELCH] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, then we can take it that there will be no effort made to read the bill or have any voting on amendments today?

Mrs. NORTON. Absolutely not.

Mr. MARTIN of Massachusetts. I have no objection, Mr. Speaker.

Mr. LESINSKI. Reserving the right to object, Mr. Speaker, would the gentlewoman agree to extend the 3 hours of debate provided under the rule to 5 hours, so everybody may have a chance to speak on this bill?

Mrs. NORTON. I am perfectly willing to stay here as long as the Members care to speak. I would say we ought to be able to finish about 5:30. The time originally set was 3 hours of debate, which would bring us up to 4 o'clock, or 10 minutes past 4, and an hour and a half longer, I believe, will probably be sufficient.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent that the time for general debate may be extended from 3 hours to 5 hours.

The SPEAKER pro tempore. The Chair, in his individual capacity, must object to that request.

The Chair may state that the rule provides for 3 hours of general debate. If, under the request of the gentlewoman from New Jersey, the House should sit until 5:30, that would be an extension of an hour and a half, and if the House sits until 6 o'clock, that would practically be an extension of 2 hours.

Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentlewoman from New Jersey.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5435, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mrs. NORTON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I know that there probably is nothing much more tiresome to Members who are not interested in a bill than to listen to its explanation; nevertheless it is absolutely important that the chairman of the committee at least try to explain the bill before the Committee of the Whole. I may say that if there are any in the Chamber who are really not interested in hearing an explanation of the bill, we might proceed much more rapidly if they would just leave the Chamber.

Some of the remarks in debate yesterday seemed to indicate that I am a particularly arbitrary sort of person. The truth really is that my position is a very difficult one. Nobody would like more than I to help all of my colleagues who come to me and ask that amendments be considered that would help them in their respective districts. I know exactly what that means, and I should like to be able to grant their requests, but you know that is quite impossible for the reason that I have a duty to discharge to myself, to my conscience, and also to the Committee on Labor, of which I am the chairman.

You Members all know that the Committee on Labor was especially designed to protect labor. Therefore, if at times I appear to be arbitrary, let me say to you that it is only because I am trying to do for the working people of the country what is very necessary for their protection.

Now that we have voted for this unusual rule, and therefore for consideration of amendments, I trust you will follow the debate attentively, as we who are trying to protect the cause of labor hope to show clearly and definitely the untold hardships and the many injustices which would be worked by the adoption of the amendments and, particularly, those relating to agriculture contained in H. R. 7133, the so-called Barden bill.

During this long struggle to secure consideration of the necessary amendments to the Wage and Hour Act I have come to the inescapable conclusion that my job to protect the working men and women in this country only began with the passage of the Fair Labor Standards Act. It is far more difficult to defend the law against attack than to secure its enactment, I have found.

For those of you who are not familiar with the history of the fight to enact the Fair Labor Standards Act into law I would like to refresh your minds a little and go back a bit into the history of that legislation. Let me take you back more than 2 years, when the wage and hour bill was introduced in the House of Representatives.

I particularly address my remarks to the Members who have come into the Seventy-sixth Congress and are not familiar with exactly what we tried to do when we first attempted to enact this legislation for the benefit of labor.

For the first time in the history of America, those workers of the country who had been paid starvation wages and were worked fantastically long hours by chiseling employers were by law given a small part of what they justly deserved in the form of minimum wages and maximum hours to be worked.

After months of hearings a wage and hour bill was reported to the House by the Committee on Labor in the summer of 1937 and a rule was sought to bring the bill before the House for its consideration.

May I say right here that in this morning's New York Times, I think it was, attention was called to the fact that this wage and hour bill would have been so much better if industry committees had been appointed for the different sections of the country, as is now contemplated for Puerto Rico. I now want to say to you that that is exactly what was in the first bill, which was recommitted to the Labor Committee by the House. When that bill was recommitted to the committee, I recall my friend from Georgia [Mr. RAMSPECK] on the floor of the House telling those who opposed it that they would live to regret having voted it down. I think his prediction has been well justified since that time.

The Rules Committee refused to grant a rule. The result was a petition, signed by 218 Members of the House—the necessary number to override the Rules Committee and requiring consideration of the bill by the House. Due to strenuous opposition on the part of those opposed to all wage and hour legislation, the bill was recommitted to the committee by a vote of the House. Then ensued a long period of further consideration by the Labor Committee and finally another bill emerged and again the Rules Committee refused to grant a rule that would bring the bill to the floor of the House for consideration. For the second time a petition was resorted to and history was made, for within 2 hours and 21 minutes, 218 names were attached to it by the membership. Therefore, it is evident that the majority of the membership

of the House demanded consideration and action on this legislation. The bill was then passed by a large majority, although considerable opposition was offered even at that time.

When Congress assembled in January 1939, Mr. Andrews, then administrator of the Wage and Hour Division, brought to the attention of the Committee on Labor, various inequalities in the law and certain difficulties that had been encountered in the administration of it. After due consideration by the committee, the bill, carrying the number H. R. 5435, was reported favorably to the House by the committee vote of 16 for and 2 against. It should be understood that this bill contained only those amendments necessary for the proper administration of the act and the alleviation of certain unnecessary hardships imposed by the original law.

May I say to you that at that time, and I am sure the gentleman from Georgia [Mr. Cox] will recall the conversation, I felt that we were in very great danger if we opened up the subject at all, of having amendments introduced that would probably tend to emasculate the act. I told him of my difficulty and said that I knew I could count on the gentleman from Illinois [Mr. SABATH] and asked "Do you think if I ask the Rules Committee for a closed rule so we can bring before the House only such amendments to the Wage and Hour Act as would help strengthen it—that we could secure such a rule?" I had this conversation with the gentleman from Georgia [Mr. Cox] because even then I was fearful of bringing this bill to the House.

I felt that the act had not been tested sufficiently. It had been in operation only about 6 months, and we were fearful of amending it at that stage; however, at the same time we thought it was necessary, because real hardship cases had come to our attention. The gentleman from Georgia [Mr. Cox] said to me then, "I am sure we will be able to do that for you." We thereupon immediately started consideration of amendments. What happened is history, and I am not going into it. But at the time the committee reported H. R. 5435 to the House it did so, as I said, with a certain amount of trepidation. I present this brief history of the act to show the long and hard struggle of the proponents of this legislation against a small but very well-organized opposition, whose aim was and always will be to defeat all labor legislation, and here I think it might be wise to refresh your memories as to the details of the struggle to secure consideration of the amendments by the House. Even before H. R. 5435 was actually reported to the House, I was instructed by the committee to consult the leaders of the House and determine the best course of action for consideration of the bill by the House. It was agreed at that time that the only way we could be sure of preserving the act from destruction was to bring the bill up under suspension of the rules, since under that parliamentary procedure no amendment could be offered to it.

This was done, and on June 5, 1939, I called the bill up under suspension of the rules. A second was demanded, and that was objected to. Tellers were demanded, and the House refused by a vote of 110 to 167 to order a second, thereby refusing consideration of the bill. That was a rather unusual proceeding, you will have to admit. Even then forces alien to the interests of labor were exerting their influence in the House. Following the report of the bill by the Labor Committee, the gentleman from North Carolina [Mr. BARDEN], an able member of the committee, and one who was partly responsible for some of the truly valuable contributions to the original act, introduced another bill to amend the wage-hour law. This bill contains such broad so-called agricultural exemptions as to actually defeat the purposes of the act, and it was immediately championed by the opposition groups, who, unfortunately for the laboring men and women in this country, have several strong friends on the Rules Committee. Such was the influence of the foes of the act that the Rules Committee met and voted a rule for the consideration of the Barden bill, although that bill, H. R. 7133—and I repeat it again—was never considered by the Labor Committee. I appeared before the Rules Committee, as did several others, in opposition to granting a rule for H. R. 7133, but to no avail; and thus we find ourselves in the midst of the present confused situation.

In passing, may I say this about my friend, the gentleman from North Carolina [Mr. BARDEN]: I believe that the gentleman from North Carolina [Mr. BARDEN] is perfectly sincere in what he is trying to do, just as I am sincere in what I am trying to do. The difference between us is not very great. The difference between his agricultural exemptions and mine is that he wants to exempt industrial workers who should not be exempted. Many of the people exempted in his bill are exempted in my bill from the hours, but not from the wage provisions of the bill. I contend that $12.60 a week is a pittance for any family to live on. You Members know perfectly well that it is a disgrace to expect any man or woman to live on $12.60 a week.

That is really the basis of our present conflict, whether or not the Congress of the United States wants to go on record as believing that $12.60 is sufficient for the ordinary American worker. I do not feel that the membership of this House will support so disgraceful a proposal. I have the greatest faith in my colleagues, and I do not believe when our checks come in every month for $833 we would be able to face our own conscience if we voted for a bill that would deny to the workers of America a miserable $12.60 for a workweek.

I refuse to believe that when such a bill comes up for a vote you are going to support it.

Now I shall proceed with an analysis of some of these amendments..

In the administration of the law, the Administrator has found that its rigid application to Puerto Rico and the Virgin Islands has created hardship. It is factually true that working conditions in those territories are vastly different, are governed by climatic conditions, living conditions, and general economic factors at distinct variance with those in continental United States. It is impossible to prescribe rigid standards for working conditions in the territories such as are suitable for continental United States. This problem has been one of the most distressing to the Administrator. The Labor Committee, has, therefore, brought before you an amendment to relieve this situation. We are advocating the appointment of industry committees for each industry in Puerto Rico and the Virgin Islands to determine the minimum wages to be paid. This minimum may be—and in practical effect no doubt will be in many instances—less than that prescribed in section 6 of the act. However, such wage rate cannot be prescribed without taking into consideration certain standards set forth in the amendment. We could not, and do not suggest, the offering to the territories of any competitive advantage, but rather hope to equalize, by this amendment, any now existing inequalities.

One of the hardest problems to beset the Administrator was that of defining "area of production." As you all know, I am sure, we used that phrase as a basis for the exemption of workers engaged in the production of agricultural products. It defies fair definition and has created many unfair as well as ridiculous situations. The Labor Committee has decided, therefore, to eliminate entirely the use of the phrase "area of production" and instead lists specifically the branches of agriculture and the work to be performed therein which will be subject to the exemptions from the hours provisions, the wage provision, or both. By so stating the exemptions we feel that no employer or employee can be uncertain of his participation or nonparticipation under the act. By referring to section 3 of H. R. 5435, you will find the operations which we have totally exempted from the hours provisions of the act for 14 weeks in the year and have exempted from the hours provisions up to 60 hours a week for all other weeks. Surely this exemption must eliminate any hardship created by the act in taking care of seasonal or perishable agricultural products. The committee feels it has granted exemptions where and when they are necessary and we are satisfied that justice is being done to both the employer and employee. To insure the practicality of our proposed legislation we have extended to employees engaged

in the handling, tying, drying, stripping, grading, redrying, fermenting, stemming, or packing of leaf tobacco and the storing of it from both the wage and hour provisions of the act. This we have done at the insistence of the industry and its employees. We, of course, do not wish to deny the benefits of the act to anyone, but in some cases it has seemed only practical and just to do so. We have also extended this exemption to employees employed in the preparing, packing, cleaning, or grading of fresh fruits and fresh vegetables in their raw or natural state when such operations are performed immediately off the farm. The farmer, as you know, is exempt now under the provisions of the act. This extends the exemption to employees who are still purely agricultural but whose work is performed just off the farm. The committee in this provision intends to exempt from both wages and hours only such employees as were employed in the cleaning, packing, grading, or preparing of fresh fruits and vegetables in their raw or natural state when such operations are performed in the immediate locality of the farm where produced. It was only intended to take care of the small fresh fruit and vegetable packing operation often carried on by a few farmers for the purpose of packing their own products. We have also extended this exemption to all employees engaged in the ginning of cotton.

Another factor which has caused considerable confusion among both employers and employees is the fact that the Administrator lacks the power to make valid rules and regulations. I believe it is a tribute to the conscientiousness and willingness to cooperate of the American employer to realize that almost 90 percent of the employers of this country are living up to the provisions of the law. These honest employers should not be penalized by competing with cutthroat competition. There are, as you know, many cases in which employees and employers are not sure of their coverage by the act. All the Administrator can do when questioned by interested parties is issue an interpretive bulletin. This is not binding under the law nor does compliance with it protect an individual legally. In order to correct this situation we are proposing in section 4 of H. R. 5435 to authorize the Administrator to make rules and regulations to carry out any of the provisions of the act. This section will also give him the right to define terms used in the act and make special provisions with respect to industrial home work.

As the act is now written it is extremely doubtful whether the wage and hour standards which it establishes can be enforced as to industrial home workers. Under present practice in industrial home work industries, the Administrator is unable to secure proper records on wages and hours of home workers. Business concerns relying on home work for their labor do not ordinarily deal directly with the home workers but turn over the goods or articles on which the work is to be done to contractors who employ the home workers. If time permitted, I could give you concrete examples of cruelty in this field. Section 4 of the amendments would give the Administrator the necessary authority to cope with this situation.

We believe that this section on the whole will quiet much of the unrest which has grown up as the result of the lack of definiteness of the act when applied to an individual business. This change has been approved by the Administrator as most necessary for effective administration of the law.

In section 5 (a) of the proposed amendments your committee contemplates the exemption of employees employed at a guaranteed monthly salary of $200 a month or more. The necessity for this exemption has arisen because under the present act only employees engaged in executive or administrative or professional capacities are exempt by virtue of their positions. It has been found that there are many persons whose work is not clearly administrative or executive but who are high-salaried workers with necessarily flexible hours. Their inclusion has created some hard problems for the Administrator and caused real hardship in many cases. Of course you realize there is nothing in this act which limits the application of this exemption to clerical or so-called "white collar" workers. If a ditch digger received $200 a month he would be similarly exempt under this provision.

In section 5 (b) your committee has taken care of the employees in small telephone exchanges. This has, however, already been enacted into law by Congress in the last session and will be stricken from this bill at the proper time.

In section 6 we have exempted employees employed under the jurisdiction of part 1 of the Railway Labor Act. This affords a similar exemption to employees of refrigerating cars, and so forth, as is now extended to all other branches of the railroad industry under the present act.

In section 7 the committee deals with two very difficult problems—messenger boys and home work in rural areas.

Your committee does not wish to deny the benefits of the act to messengers. However, anyone at all familiar with the telegraph companies knows that they will not be able to pay the highest minimum—40 cents—without great hardship and perhaps even financial ruin. We are therefore offering an amendment which would give the Administrator the power to prescribe wages lower than those set forth in section 6 of the act if certain standards can be met. However, in no case has the Administrator the power to lower the wage below 25 cents an hour.

The difficulty of compliance with the law by home workers in rural areas is, I believe, familiar to most of you. This work bears no resemblance to industrial home work in cities, and its elimination often means the difference between butter on his bread or plain bread to many a farmer. We propose to give the Administrator the power to prescribe wages lower than the minimum set forth in the act.

Section 8 is intended to protect the innocent purchaser of so-called "hot" goods if he can show that at the time he purchased the goods he had no knowledge or reason to believe that they had been produced in violation of wage and hour provisions. This amendment would avoid hardship to innocent purchasers and promote the free movement of goods.

Section 9 of the committee amendments, which amends section 15 (a) (2) of the act, is a technical amendment which is necessary if section 4 is adopted, so that the violation of appropriate regulations will be prohibited. In addition, there is a prohibition against violations of the provisions of any wage order issued by the Administrator pursuant to section 8. This latter prohibition clarifies the act as now written.

Section 10 proposed to give to learners, apprentices, handicapped workers, messengers, and home workers the same right to sue for unpaid minimum wages and unpaid overtime compensation which the act now accords all other employees covered by the act.

Section 11 of the committee amendment would amend section 17 of the act to provide that civil actions to restrain violations of the act may be brought in any district where the defendant is found, or is inhabited, or transacts business. By thus allowing suits against corporations where they are doing business, the amendment will save both defendants and the Government the expense of bringing witnesses many miles from the place of business to the State of incorporation of the business.

Section 12 of the committee amendment prohibits the transportation of prison-made goods in interstate commerce except the transporting of goods from a Federal prison for the use of the Federal Government. This provision is in line with but goes beyond the Ashurst-Sumners Act.

In conclusion, I would like to call your attention to a letter I received yesterday from Mr. Early, secretary to the President, in which he quotes the President as saying:

THE WHITE HOUSE,
Washington, April 25, 1940.

MRS. MARY NORTON,
House of Representatives, Washington, D. C.

DEAR MRS. NORTON: It appears that the following statement made by the President in a letter which he wrote recently to a friend very accurately presents his position in the matter of the Barden amendments and the existing Wage and Hour Act. In this letter, the President said:

"The Wage and Hour Act is in an evolutionary stage where we are learning by practical experience in the field as to whether and how it should be amended. It is too early to form definite conclu-

sions except to note that on the whole the principle and objective are excellent and have done much to stabilize wages and hours and to bring wages up for the lowest-paid workers.

"It is being administered with discretion and no substantial groups of employers have been damaged.

"Farm labor is not affected by the act. In view of all the circumstances I think it would be a great mistake to adopt the Barden amendments. By another year we shall know a great deal more about the subject."

I give you the above-quoted statement by the President as a matter of information. You are at liberty to use it on the floor of the House of Representatives or to release it in the form of an announcement to the press, or both.

Very sincerely yours,

STEPHEN EARLY,
Secretary to the President.

I have probably taken up much more time than I should, but I do want the Members to know that the Labor Committee has tried in every way to meet the valid objections of people presenting their cause to us. We have done all that we can to assist them except to adopt amendments that we felt would destroy the effect of the act. That we shall positively and definitely refuse to do. [Applause.]

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. JOHNS. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. Mr. Chairman, I yield myself 5 additional minutes.

I will be glad to yield to the gentleman from Wisconsin.

Mr. JOHNS. I am very much interested in just the interpretation that your committee puts on this language in section 1 under the subject of dairy products. The language is "the making of dairy products." Do I understand that that limits that just to the production of milk and putting it in the cans, or does that extend to the delivery of it to delivery stations?

Mrs. NORTON. I believe that it might in some cases extend to the delivery of it to delivery stations.

Mr. JOHNS. Does it include the employees who might be at the receiving station to receive this milk and to transport it?

Mrs. NORTON. No; they are considered to be industrial workers once it reaches the point for which it is destined.

Mr. JOHNS. Does it include the truckmen who happen to be delivering this from the farm to the station?

Mrs. NORTON. It is my understanding that it does.

Mr. KEEFE. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. I will be glad to yield.

Mr. KEEFE. In this subsection 1, to which the gentleman from Wisconsin [Mr. JOHNS] has referred, you except the making of dairy products, except ice-cream mix, ice cream, malted milk, and processed cheese. Do I understand it is the intent of the committee to exclude, in those exemptions, those large plants which are engaged in the business of making condensed milk or powdered milk?

Mrs. NORTON. Yes; if they are what we call "on the farm" or "adjacent to the farm."

Mr. KEEFE. Well, I am speaking of the plant to which the farmers haul their milk.

Mrs. NORTON. I think the gentleman will probably get some time of his own, and I cannot conscientiously take any more of that allotted to my side as it has all been promised. I would be glad if the gentleman would take that up later.

Mr. KEEFE. I am favorably impressed with this bill. I am simply asking that for information, if I can get the information. I do not get it from the report. I would like to be sure just how far that exemption is presumed to extend.

Mr. RAMSPECK. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. I will be glad to yield to the gentleman from Georgia.

Mr. RAMSPECK. As I understand it, such a plant as that could not be exempted.

Mr. KEEFE. Where is there anything in the law that justifies that interpretation?

Mr. RAMSPECK. Because that is a plant that has no relationship to a farm. We are talking as I understand it of a plant that makes powdered milk or condensed milk off of the farm.

Mrs. NORTON. Mr. Chairman, under permission to extend my remarks in the RECORD, I include herewith a letter from Mr. Stephen Early, secretary to the President of the United States, concerning amendments to the Wage and Hour Act; also a letter from Mr. Henry Wallace, Secretary of Agriculture; also a letter from Miss Mary Dublin, general secretary to the National Consumers League; and one from Mr. Walter White, secretary to the National Association for the Advancement of Colored People.

THE WHITE HOUSE, *April 25, 1940.*

Hon. MARY T. NORTON,
House of Representatives, Washington, D. C.

DEAR MRS. NORTON: It appears that the following statement made by the President in a letter which he wrote recently to a friend very accurately presents his position in the matter of the Barden amendments and the existing Wage and Hour Act. In this letter the President states:

"The Wage and Hour Act is in an evolutionary stage, where we are learning by practical experience in the field as to whether and how it should be amended. It is too early to form definite conclusions except to note that on the whole the principle and objective are excellent and have done much to stabilize wages and hours and to bring wages up for the lowest-paid workers.

"It is being administered with discretion and no substantial groups of employers have been damaged.

"Farm labor is not affected by the act. In view of all the circumstances, I think it would be a great mistake to adopt the Barden amendments. By another year we shall know a great deal more about the subject."

Sincerely yours,

STEPHEN EARLY,
Secretary to the President.

DEPARTMENT OF AGRICULTURE,
Washington, April 24, 1940.

Hon. MARY T. NORTON,
House of Representatives.

DEAR MRS. NORTON: During our conversation this morning you asked whether this Department had received any complaints from farmers, or groups of farmers, against the operation of the wage-hour law, as modified.

A review of our files discloses a limited number of letters on the general subject, but these are nearly all in the nature of inquiries. Uncertainties as to the method and extent of application naturally arise in the minds of persons concerned with the inauguration of any new program, but, to the best of my knowledge, those persons engaged in agriculture who have written to me with possible objections in mind on this issue have been satisfied upon being furnished proper explanation of the intent and expected effects of the law. I am unable to recall more than a few isolated instances of direct complaint, and certainly I can say positively that protests from farmers have been so negligible as to be of no practical significance in the present controversy.

We have had from some farmers indications of their hearty approval of the efforts of this administration to stabilize labor's income and purchasing power. In my observation, the net reaction of true agriculture throughout the country has been one of sympathetic understanding and cooperation.

In connection with the present controversy you might be interested in the following statement I made in discussing the Wage and Hour Act over station WRC Tuesday, April 22: "If every factory using farm products in any way were exempted, nearly half of all factory workers would be taken out from under the Wage and Hour Act, and farmers would lose, rather than gain, if wages were cut in those industries."

Sincerely yours,

H. A. WALLACE, *Secretary.*

NATIONAL CONSUMERS LEAGUE,
New York, N. Y., April 24, 1940.

DEAR REPRESENTATIVE NORTON: The undersigned 750 men and women, well known in public life, are convinced that passage of the Barden bill to amend the Fair Labor Standards Act would emasculate a law which has rescued hundreds of thousands of defenseless wage earners from hunger and want.

The act would be a mere sham were it to be amended to apply only to those workers who already receive more than the wage rates prescribed by the act. Yet that is what the Barden bill proposes to do in exempting over 1,000,000 workers most in need of its coverage. These men and women, in the lowest paid industries in the country, can in no sense be called agricultural workers. It was to protect just such employees as these that the act was passed, and there is no reason in having the law unless it applies to those most in need.

We believe the Barden bill would seriously injure the farmer. By returning over a million workers to starvation wage levels, the farmer would be deprived of an essential market for his products.

In subjecting them to unfair competition, the measure is equally injurious to the interest of all employers who today maintain fair

standards. Further, it would discriminate against many employers engaged in businesses similar to those the bill exempts. For example, canning establishments engaged exclusively in canning fresh fruits and vegetables have a complete wage exemption, but canneries which can fresh fruits and vegetables and also can "dry lines," such as pork and beans and soup, receive no wage exemptions.

The Barden bill runs counter to consumer interest. In the food-processing industries even a 25-percent rise in wages above the present level set by the act, would not add 2 cents on the dollar in costs to the consumer. Fair wages will not add to food costs. On the other hand, unfair wages cast immense burdens upon the community. In the words of Supreme Court Justice Hughes, "What these workers lose in wages the taxpayers are called upon to pay. The bare cost of living must be met. * * * The community is not bound to provide what is in effect a subsidy for unconscionable employers. The community may direct its law-making power to correct the abuse which springs from their selfish disregard of the public interest."

In the interest of health, decency, and fair play, we urge you to vote against the Barden bill. Give the Fair Labor Standards Act a chance to prove itself that hundreds of thousands of pitifully underpaid workers may have an opportunity to earn at least the meager living the act assures.

Respectfully yours.

Mary Dublin, general secretary; Dr. Harold Aaron, New York City; Etheldred Abbot, Illinois; Charlotte E. Abbott, Nebraska; Mrs. Paul Abelson, New York City; George A. Ackerly, Washington, D. C.; M. W. Ackeson, Jr., Pennsylvania; Adeline E. Ackley, Connecticut; Dr. Thomas Addis, California; Mary V. Alexander, New York; Elizabeth C. Alling, Illinois; Mrs. Frederick S. Allis, Massachusetts; Mrs. Mary P. Ames, New Jersey; Mrs. G. E. Andrus, Colorado; Robert C. Angell, Michigan; J. B. Anthony, New York; Mrs. M. S. Armstrong, Wisconsin; Sinclair W. Armstrong, Rhode Island; Mary Arnold, New York City; Jacob B. Aronoff, New York City; Joseph Aronstam, New York City; Louise Autz, New York City; Rabbi Michael Alper, New York City; Helen S. W. Athey, Maryland; Jessie M. Austin, Illinois; Ruth Baker, New York City; Roger Baldwin, New York City; Alexander Baltzly, New York City; Frances Barnes, New York City; Fred Asa Barnes, New York; Mrs. Richard R. Barrett, Virginia; Oskar Barshak, New York City; Harriet M. Bartlett, Massachusetts; Anna Baumgarten, New York City; Mabel Baumgarten, New York City; Mrs. John P. Beach, California; Louise L. Beachboard, Pennsylvania; Elfie R. Beale, California; Emma B. Beard, New York; Minna D. Behr, New York; L. Ames Beigen, New York City; Alice E. Belcher, Wisconsin; Harriet J. Bender, Ohio; Fanny E. Benjamin, Missouri; Arthur F. Bentley, Indiana; Sidney J. Berger, New York City; Viola W. Bernard, New York City; Frederick Bernheim, North Carolina; Bernice Bernstein, New York City; Alfred Bettman, Ohio; Anthony Billini, New York City; Alfred M. Bingham, New York City; William J. Blanneman, New Jersey; Anne Ames Bliss, New York; Mary C. Bliss, Massachusetts; Anita Block, New York City; S. John Block, New York City; G. Blood, Pennsylvania; Margaret Blossom, New York City; R. E. Blount, Illinois; Ida Blucher, Michigan; Hyman J. Blumstein, Connecticut; Franz Boas, New York City; Marion P. Bolles, New York City; Irene K. Bondy, New York; Mrs. Stephen Bonsal, Washington, D. C.; Alexina G. Booth, Kentucky; Gratia Booth, Connecticut; Elizabeth G. Bowerman, New York; Mrs. W. Russell Bowie, New York City; LeRoy E. Bowman, New York City; Dr. Leopold Brahdy, New York City; Anne Cary Bradley, Maine; Elizabeth Brandeis, Wisconsin; Mrs. Jules Brenchard, New York City; Prof. Paul F. Brissenden, New York City; Prof. Emily C. Brown, New York; James L. Brown, New York; Mabel P. Brown, Connecticut; Thomas K. Brown, Jr., Pennsylvania; Eleanor O. Brownell, Pennsylvania; Mrs. W. Buckner, New York City; Richard Bunch, Indiana; Prof. Arthur R. Burns, New York City; Gertrude E. Bussey, Maryland; J. R. Butler, Tennessee; Harold S. Buttenheim, New Jersey; Evelyn Gray Cameron, Massachusetts; Kingsland Camp, New York City; Annie Campbell, Ohio; Mrs. Henry White Cannon, New York City; Mary G. Cannon, Connecticut; Mrs. A. Morris Carey, Maryland; James B. Carey, New York City; Mrs. Winslow Carlton, New York City; Mary Casamajor, New York; Warren Catlin, Maine; Central Conference of American Rabbis, Maryland; Herbert M. Chalmas, New York; Mrs. Allan Knight Chalmers, New York City; Russell Chew, Pennsylvania; Ruth L. S. Child, Massachusetts; Gerard Chiora, New Jersey; Olive E. Clapper, Maryland; Mrs. Charles E. Cliff, Pennsylvania; Peggy Cobb, New York City; O. P. Cochran, Connecticut; Hetty S. Cohellen, Massachusetts; Frederick Cohen, Massachusetts; Naomi S. Cohn, Virginia; John Coleman, Pennsylvania; Mabel A. Colter, Minnesota; Daniel H. Colton, New York City; Olive A. Colton, Ohio; Laetitia M. Conard, Iowa; Morton S. Conrad, New York; Pauline K. Connell, New Jersey; Consumers League of Cincinnati, Ohio; Leonore Cook, Massachusetts; Morris Llewellyn Cooke, Pennsylvania; Mrs. Francis R. Cope, Jr., Pennsylvania; Mrs. Walter Cope, Pennsylvania; Grace M. Cortis, New York City; Mrs. Edward P. Costigan, Colorado; Maud W. Costigan, California; Cornelia C. Coulter, Massachusetts; Jerome Count, New York City; Agnes Cowing, New York City; Grace L. Coyle, Ohio; Alberta J. Crombie, Connecticut; Weldon L. Crosman, Massachusetts; Elizabeth Crother, Massachusetts; Harriet B. Crump, New York City; Dorothy T. Cummings, New York; Edmund Ely Curtis, Massachusetts; Muriel S. Curtis, Massachusetts; Mrs. W. E. Cushing, Massachusetts; Leif Dahl, New York City; Louise Dahl-Wolfe, New York City; Rev. E. LeRoy Dakin, Wisconsin; Irving Davidson, New York; Betsey B. Davis, New York; Helen E. Davis, Washington, D. C.; Helen H. Davis, Massachusetts; Horace A. Davis, New York City; Paul J. Davis, Pennsylvania; Margaret W. Davis, California; Florence W. Davol, Massachusetts; Lillian A. Dean, Iowa; C. C. Delafield, Jr., New York City; Eleanor Deming, New York; A. DeNeysin, New York City; N. E. Derecktor, New York; Mrs. N. E. Derecktor, New York; Edward T. Devine, New York City; Mary W. Dewson, Maine; Mrs. Robert H. Dibble, Pennsylvania; Harriet A. Dillingham, California; Esther M. Dixon, California; Effie E. Doan, Illinois; Mrs. Richard E. Dodge, Connecticut; Mrs. Henry H. Donaldson, Pennsylvania; Laura R. Donnell, New York City; Prof. Dorothy W. Douglas, Massachusetts; Ruth N. Dow, Massachusetts; Ella J. Draper, Massachusetts; Mary E. Dreir, New York City; Amos Dublin, New York City; Mrs. S. Naudan Duer, Pennsylvania; Cressida C. Durham, Illinois; Commissioner Martin P. Durkin, Illinois; Catharine H. Dwight, Massachusetts; Lucia K. Dwight, New York; Mrs. C. A. Duvall, New York; Lucy P. Eastman, New York City; L. C. Edson, New York City; Mrs. Tracy Edson, New York City; Bertha J. Ehrich, Indiana; Mrs. Walter L. Ehrich, New York City; Dorothy Meigs Eidlitz, New York City; C. Emanuel Ekstrom, Rhode Island; Deborah Elton, Connecticut; Frances Elton, New York; Augusta C. Ely, Massachusetts; Mrs. Annie H. Emerson, Massachusetts; Helen T. Emerson, New York; Mrs. Kendall Emerson, New York; Morris Engel, New York City; Henry Epstein, New York City; Rev. Sebastian Erbacher, Michigan; Alice C. Evans, Washington, D. C.; Mrs. Charles R. Faben, Ohio; Mrs. Richard V. Fabian, New York; Mrs. Powell Fauntleroy, Washington, D. C.; Mrs. E. B. Featherstone, Ohio; Benjamin Fee, New York City; Mrs. Charles N. Felton, California; Fannie C. Ferry, Massachusetts; Mrs. W. D. C. Field, New York; Mrs. J. W. Fillman, Pennsylvania; Julius Fischer, New York; Eunice M. Fisher, Wisconsin; Zipporah L. Fleisher, New York City; Lillian P. Fletcher, New York City; Elizabeth L. Folbert, New Jersey; Robert C. Folconer, New Jersey; Dorothy Fontaine, New York City; Elizabeth G. Fox, Connecticut; Mary H. Fox, New York City; Mrs. E. Frankel, New Jersey; Aaron Friedell, Minnesota; Natalie C. Friedman, Illinois; A. Anton Friedrich, New York; Harlan M. Frost, Ohio; Alice P. Gannett, Ohio; Mrs. Wm. W. Gannett, Massachusetts; Helene P. Gans, New York City; Minnie May Gauther, Wisconsin; Joseph W. Gavitt, New Jersey; Margaret J. Gemmill, Pennsylvania; Anna M. Genung, New Jersey; Augustine N. Girardot, Colorado; Susan Glider, New York City; Harriet Goddard, New Jersey; R. Goldberg, New York; Victor Goldberg, New York; S. Goldhagen, New York; Pauline Goldmark, New York; Minnie Goodnow, Massachusetts; Jean Goldstein, Connecticut; Dr. A. L. Goldwater, New York City; Mrs. A. L. Goldwater, New York City; Mrs. S. S. Goldwater, New York City; Sidney S. Grant, Massachusetts; Adele Greene, Washington, D. C.; Irma H. Gross, Michigan; Mrs. Edward A. Grossman, New York City; Ralph H. Gundlach, Washington; Mathilde C. Hader, Virginia; Dorothy Quincy Hale, Massachusetts; Ellen Hale, Massachusetts; Adele P. Hall, New York; John Hughes Hall, Massachusetts; Marie Hall, New York; Mrs. Mary Hobson Hall, Virginia; Priscilla Perry Hall, Massachusetts; Mrs. F. Haller, Washington, D. C.; Emma F. Halloway, New York; Annie A. Halleck, Kentucky; Dr. Alice Hamilton, Connecticut; Esther Fiske Hammond, California; Mrs. W. A. Harbison, New York; Commissioner W. Rhett Harley, South Carolina; Arthur H. Harlow, Jr., New York City; A. Harris, New York; Mrs. Carter H. Harrison, Virginia; Marion J. Harron, Washington, D. C.; Lauribel Hart, New York; Mrs. W. G. Hawley, New York; Rhoda A. Hayes, New York; A. D. Hays, New York City; Marcia Health, Wisconsin; Annie Hegneman, New York City; Yandell Henderson, Connecticut; Rebekah C. Henshaw, Rhode Island; Henrietta Hepburn, West Virginia; Marjorie Herford, Washington; Dorothea C. Hess, New York; Regina L. Hess, Illinois; Emilia Hesse, Michigan; Prof. Amy Hewes, Massachusetts; Eleanor L. Hickin, Ohio; Sarah C. Hill, New York City; Clifford W. Hilliker, New York; M. L. Hills, California; Harrison S. Hires; Pennsylvania; Jessie Lindsay Hober, Wisconsin; Mrs. H. L. Hodge, Pennsylvania; Florence J. Hoe, Wisconsin; William E. Hoeflin, Missouri; Irving Hoffzmier, New York; Mary Shirley Holmes, Ohio; Anna B. Holt, New York City; Mrs. Edward C. Hood, New York; Gertrude F. Hooper,

Massachusetts; Eloise M. Holton, Massachusetts; A. D. Hoover, New York City; Miriam Horner, New York City; Caroline S. Hosley, Massachusetts; Mary Houghton, Wisconsin; W. M. Houghton, Massachusetts; Dr. John R. Howard, Jr., New Jersey; Julia S. Huggins, California; Pauline Hummel, Ohio; Vida J. Hurst, Pennsylvania; Laetitia P. Huston, Pennsylvania; Mary Perot Huston, Pennsylvania; Mrs. Edmund N. Huyck, New York; Mrs. A. M. Hyatt, New York City; Arthur M. Hyde, Kentucky; Samuel M. Ilsley, California; Rev. Wm. Lloyd Imes, New York City; George Ingersoll, Minnesota; International Broom & Whisk Makers Union, Illinois; Augusta Irving, New York City; Georgine Iselin, New York City; Rabbi Edward L. Israel, Maryland; David Jacobson, New York; Martha G. Jacobson, New York; Joseph S. Jacoby, New York City; Mrs. C. G. James, Michigan; Mrs. Ada L. James, Wisconsin; Mrs. Irene S. James, New Jersey; A. Natalie Jewett, Massachusetts; Mrs. A. A. Johnson, New York; Constance W. Johnson, New York; Rev. F. Ernest Johnson, New York City; Wendell F. Johnson, Ohio; Hattie Jones, New York City; A. L. Joslin, Massachusetts; Journeymen Tailors Union, New Jersey; Dorothy Kahn, New York City; Sol D. Kapelsohn, New Jersey; David Kass; Florence H. Kauffmann, New Jersey; Mrs. T. W. Keating, Texas; David Keeble, California; Clara N. Kellogg, California; Helen J. Kellogg, California; Paul Kellogg, New York City; Clarence W. Kemper, Colorado; Priscilla Kennaday, New York City; Edith Wynne Kennedy, New York; M. T. Kennedy, Illinois; Rockwell Kent, New York; Clark Kerry, California; Eugenia Ketterlinus, Pennsylvania; Mrs. Alice F. Kiernan, Pennsylvania; Xenia Kilbrick, New York City; Mrs. Edith Shatto King, New York City; Freda Kirchwey, New York City; Dorothy H. Knapp, New York, Dr. S. Adolphus Knopf, New York City; S. Kohn, Connecticut; Isabella A. Kolbe, Ohio; Joseph K. Kotter, New York; L. S. Kramer, New York City; Sadie S. Kulakofsky, Nebraska; Mary B. Ladd, New York City; C. P. Lahman, Michigan; Corliss Lamont, New York City; Margaret F. Lamont, New York City; Rev. Leon Rosser Land, New York; Ruth Lander, Illinois; Dr. Grace W. Landrum, Virginia; Antoinette C. Lanfare, Connecticut; Dr. Linda B. Lange, Pennsylvania; Bruno Lasker, New York; Dr. John Howland Lathrop, New York; Florence M. LeClear, Wisconsin; Amy Lee, New York City; Helen A. Lee, Illinois; Murray G. Lee, New York City; W. M. Leeds, Pennsylvania; Mr. William T. Leggett, Connecticut; Mrs. Wm. T. Leggett, Connecticut; Mary W. Lemmon, Alabama; Sally Lennick, New York; Shirley Leonard, New York City; Jack Lerner, New Jersey; Ralph T. Levin, New York City; M. N. Levine, Minnesota; J. Maxwell Levinson, New York City; Fay Lewis, Illinois; Mary H. Lewis, Ohio; Irene Lewisohn, New York City; Ruth Lichtenstein, New York; Mrs. Wm. Liddell, New York; Mrs. Robert A. Lightburn, New York; Dr. Samuel McCune Lindsay, New York City; Mrs. Mary H. Loines, New York; Roger S. Loomis, New York City; Paula Letterman, New York City; Lizzie C. Loveder, Nebraska; Lucy Lowell, Massachusetts; Elsie Lowenberg, New York; Mrs. H. Spencer Lucas, Pennsylvania; May Ely Lyman, New York City; Charles J. MacDonald, New York City; Prof. Lois MacDonald, New York City; Charlotte G. MacDowell, New York; Martha Mackay, Pennsylvania; Elizabeth S. Magee, Ohio; Elizabeth K. Maley, Massachusetts; Blanche Mahler, New York; Theodore Maimud, New York City; Mary S. Malone, Pennsylvania; G. P. Manchester, California; Mrs. Morris Manges, New York City; Mrs. C. Marnitz, Wisconsin; Benjamin Marsh, Washington, D. C.; Mulford Martin, New York City; Lucy R. Mason, Georgia; Margaret C. Maule, Pennsylvania; Clifford T. McAvoy, New York City; Mary N. McCord, New York City; O. McCord, Jr., New York City; Mrs. Winifred M. McCosh, Delaware; Frank McCulloch, Illinois; Frank D. McCulloch, Illinois; Mrs. J. S. McDowell, New York; Mary S. McDowell, New York; Elizabeth A. McFadden, New York City; Louise Leonard McLaren, New York City; Mrs. J. M. Mecklin, New Hampshire; Mrs. John Meigs, Pennsylvania; Dina Melicor, New York City; Evelyn Mellen, New York City; William Menke, New York City; Lewis Merrill, New York City; Cornelia M. Metz, New York; Dr. Alfred Meyer, New York City; Elizabeth A. Might, Massachusetts; Mrs. Maude B. Miller, New York City; Prof. H. A. Millis, Illinois; Rev. Joseph N. Moody, New York City; Jane T. Mooney, New York; Florence Rees Moore, Oregon; A. W. Morganfield, California; Lois I. Morganfield, California; Charles Moos, Pennsylvania; Stelle W. Moos, Pennsylvania; Mary Agnes Morel, New York City; Mary Morris, New York City; Grace L. Morrison, New Jersey; Ruth Morrison, Colorado; G. J. Morse, Massachusetts; Josiah Morse, South Carolina; Dr. Bessie L. Moses, Maryland; Minnie L. Moses, New York; Amelia B. Moorfield, New Jersey; Ethel P. Moore, Massachusetts; Leonard S. Morgan, New York City; Nanette Morrell, New York City; Mrs. Charles G. Morris, Connecticut; Johanna K. Mosenthal, New York City; W. E. Mosher, New York; Mrs. C. R. Mueller, Michigan; Greta E. Mueller, Washington; Edith Noyes Muma, New York; Mrs. W. L. Murdoch, Alabama; Henrietta Murphy, New York; Virginia Mussey, New York City; Mrs. Max W. Myer, Missouri; Jay B. Nash, New York City; Raymond Nelson, Virginia; Janet E. Newton, Wisconsin; Nina Nicas, New York City; M. C. Nice, Pennsylvania; Mrs. Louise Nichols, Pennsylvania; William I. Nichols, New York City; Alice B. Nicols, Minnesota; L. M. Novogrod, New York City; Joseph North, New York City; Leah Okune, New York; Charles E. Ozanne, Ohio; A. Packer, New York; Aida Paderefsky, New York City; Mrs. R. T. Paine, II, Massachusetts; Haiganooth Papazian, New York City; Gladys M. Park, New York City; Mary Jane Park, California; Mrs. Edgerton Parsons, New York City; Leo M. Parsons, New York City; David Paulson, Jr., New York; Philip A. Paulson, New York City; Edward Payazion, New York City; Endicott Peabody, Massachusetts; Harriet R. Pease, Massachusetts; Lillie M. Peck, New York City; Harriet S. Peirce, Massachusetts; L. C. Perera, Jr., New York City; Mrs. L. C. Perera, Jr., New York City; Mrs. Herbert F. Perkins, Illinois; H. Pestry, New York City; E. C. Peters, Georgia; Tallahatchie Pettingill, California; Laura A. Pierson, New Jersey; Rose Pletman, New York City; Esther S. Podoloff, Connecticut; J. Podoloff, Connecticut; Edna Pogrotsky, Connecticut; Mrs. Francis D. Pollak, New York City; Eric Pomerance, New York City; Mrs. Ralph L. Pope, Massachusetts; Mrs. Carroll J. Post, New York City; Jacob S. Potofsky, New York City; Mrs. David Potter, California; Dr. Herman F. Prange, New York City; Miriam Sutro Price, New York City; Reverlea Price, New York City; Edward Pringle, Illinois; Kate E. Putnam, New York; Mrs. Wilmot Quinby, Pennsylvania; Mrs. Harold R. 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Stuart Smith, California; Winifred Smith, New York; Barbara Snyder, New York City; Social Service Employee's Union, New York; Morris Soldester, New York City; Isobel Walker Soule, New York City; George Soule, New York City; Southern Tenant Farm Union, Tennessee; Margaret Spahr, New York City; R. L. Spaide, Pennsylvania; Mary Judson Spencer, New York City; Mrs. Lama L. Sprague, Massachusetts; Anne Stanley, California; State, County and Municipal Workers, New York City; Mrs. J. Rich Steers, New York City; Emanuel Stein, New York; Dr. Sam I. Stein, Illinois; Eliza Stevens, Oregon; Mrs. Horace N. Stevens, New Jersey; Louise Stitt, Washington, D. C.; St. James Presbyterian Church-Social Service Committee, New York City; George Maychin Stockdale, New York; Helen Phelps Stokes, Vermont; Harry Stone, New York City; Olive M.

Stone, Virginia; Aubrey N. Straus, Virginia; Cornelia Straus, New Jersey; Emelia T. Strauss, New York City; Irvin Strauss, New York City; B. Strivelman, New York City; Jeanette Studley, Connecticut; Sidney Sulkin, New York City; Mrs. T. Russell Sullivan, Massachusetts; Ruth Suydacker, Illinois; Joel Swensen, New York City; Mrs. A. L. Swift, Connecticut; Mrs. Ada B. Taft, Illinois; Ellen B. Talbot, Massachusetts; Marion Talbot, Illinois; Mary Montgomery Talbot, New York; Rev. Paul Tanner, Wisconsin; Mollie Tarter, New York; C. Fayette Taylor, Massachusetts; Helena Taylor, Illinois; Jeanette S. Taylor, New York; Lena D. Taylor, Illinois; Louis Tekulsky, New York City; Caroline B. Thayer, Massachusetts; Sherman R. Thayer, Massachusetts; Anne M. Thomas, Massachusetts; Louise M. Thomas, Pennsylvania; Robert F. Thomas, M. D., Tennessee; Juliet Thompson, New York City; Mrs. Leroy S. Thompson, Rhode Island; Anne L. Thorp, Massachusetts; John H. Thorpe, Michigan; Margaret Thum, California; Elizabeth Todd, New York City; Norman L. Torrey, New York City; Isabel Totten, New York City; John G. Touzeau, California; Rebecca D. Townsend, Connecticut; Blaine E. Treadway, Tennessee; Constina S. Trees, Pennsylvania; K. L. Trevett, Oregon; C. Allen True, Texas; Annie E. Trumbull, Connecticut; Grace Tyndall, New York; Mrs. Carl J. Ulmann, New York City; United Cannery, Agricultural, Packing and Allied Workers of America, New York City; Charlotte A. Van Cortlandt, Connecticut; Eleanor S. Van Etten, New York City; Dr. P. W. Van Metre, Iowa; Undine Van Pelt, Washington, D. C.; Ellen M. Van Slyke, New York; Bonnie Vene, New York; Matilda Wakshul, New York; Sylvia Wallach, New York; Marion E. C. Walls, New Jersey; Phoebe Walkind, New York City; Mrs. Douglas Waples, Illinois; Mariana DeC. Ward, Massachusetts; Mrs. W. Lee Ward, New York City; Colston Warne, Massachusetts; E. Brooke Weaver, California; Mrs. H. St. John Webb, New Jersey; A. G. Weidler, Kentucky; George E. Weir, New York; Roberta Wellford, Virginia; Annie Wenneis, New York City; Henry N. Wenning, New York City; D. H. West, Illinois; Ida M. West, New York; Mrs. S. Burns Weston, Pennsylvania; Jane H. Wheeler, Vermont; Harriet D. White, New York; Millie V. D. White, New York; John B. Whitelaw, New York; Mrs. John B. Whiteman, Massachusetts; Oliver M. Wiard, Connecticut; Elsie G. Wickenden, New York; Rev. C. Lawson Willard, Jr., New York; Dr. M. A. Willcox, Massachusetts; Ada L. Williams, New York; Helen Williams, Iowa; Mrs. Janice L. Williams, Connecticut; Hyman Willinger, M. D., New York City; Charles Wilson, Pennsylvania; Mrs. Luke I. Wilson, Maryland; Helen R. Winans, New York; Florence E. Winchell, New York; Frederick Winkhaus, New York City; Richard S. Winslow, Massachusetts; Frances M. Wintringham, New York City; Elizabeth Wisner, Louisiana; Benjamin Witken, Connecticut; Edwin E. Witte, Wisconsin; Howard P. Woertendyke, Kansas; Benedict Wolf, New York City; Mrs. J. R. Wolff, New York City; Mildred H. Wolfson, New York City; Cyrus F. Wood, Pennsylvania; Mrs. George B. Wood, Pennsylvania; Helen Wood, Pennsylvania; Mrs. Chase Going Woodhouse, Connecticut; G. H. Woodhull, Kansas; William Woods, New York; Harvey A. Wooster, Ohio; Edward N. Wright, Pennsylvania; Elliott F. Wright, New York City; Geraldine Kemp Wright, New York City; Edith Franklin Wyatt, Illinois; Y. W. C. A. Business and Professional Girls League, Ohio; Y. W. C. A. Social and Economic Legislation Committee, Ohio; G. D. Yeager, Pennsylvania; Anna Young, New York; Anne S. Young, California; Josephine Zeitlin, California; Gertrude Folks Zimland, New York City; Yetta Zinner, New York City; Marion O. Zucker, New York City; Dr. Leon Zussman, New York City; Mrs. R. A. Zwemer, New Jersey.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
New York, April 24, 1940.

MRS. MARY T. NORTON,
Chairman, Committee on Labor, House of Representatives, Washington, D. C.

DEAR MRS. NORTON: H. R. 7133 which comes to the floor of the House on Thursday, April 25, is one of the most serious of several recent efforts to destroy laws protecting labor without actually repealing these laws. The Barden amendments propose to exempt from the benefits of better wages or shorter hours or both more than a million and a quarter of the poorest paid American workers, among whom are hundreds of thousands of Negroes. These amendments strike at employees engaged in canning, packing, and otherwise processing agricultural products, at workers in the lumber industry and at transportation relating to these industries. Negroes in large numbers are employed in these fields and in some areas they constitute a majority of the workers who would be affected.

In addition, Negro workers, along with all others, are seriously threatened by section 10 of the bill which would prevent an employee from suing his employer for failure to pay minimum wages at any time more than 6 months after the right had accrued. Since the employee often does not learn of his rights until many months after violation, this is a particularly hurtful provision. If such a restriction were now in effect it would bar the right of station porters (red caps) to sue for wages denied them prior to October 1939.

The exemptions which the bill would create are particularly hurtful to Negro workers. All industrial operations in the preparation and processing of agricultural products from the time they leave the farm until they reach the retail seller would be excluded from the protection of the wage and hour law. Thus, some 68,000 workers engaged in tying, drying, stripping, stemming, crating, and packing of leaf tobacco, of whom a substantial portion are Negroes, would lose the protection which they now have. Similarly cotton ginning, compressing and storing in which a large part of the 130,000 workers are Negroes, would be excluded from the act. Protection in the matter of hours would be withdrawn from the meat-packing industry where between fifteen and twenty thousand Negroes are engaged in slaughtering, dressing, and packing meat. A substantial number of the more than 50,000 Negroes in other affected food industries would lose rights which they now enjoy.

Census figures indicate that there are some 20,000 Negro lumbermen, raftsmen, woodchoppers, and sawyers. These, too, would lose their protection if the Barden amendments should be enacted. In addition, of the 100,000 Negroes in saw and planing mills, those who work in small establishments employing not more than 15 persons would be denied all protection.

In addition the bill would permit exemptions and differentials for the Virgin Islands of the United States. No economic justification for the discrimination against a community in which the working population is almost entirely composed of Negroes has been shown. But experience with other sectional differentials used to cloak racial discrimination, for example, under the N. R. A., has shown how vicious such differentials would be.

In such circumstances a vote in favor of the Barden amendments must be construed as a vote against labor generally and against the Negro in particular, since he would be so great a loser as a result of any such legislation. Negroes are looking to party leaders to use full force of their leadership in opposition to this hurtful legislation.

Respectfully,

WALTER WHITE,
Secretary, N. A. A. C. P.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentlewoman from New Jersey has again expired. The gentlewoman from New Jersey has consumed 25 minutes.

Mr. WELCH. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, yesterday during the consideration, or rather the intended emasculation, of the wage and hour laws this House developed a new leader—a coalition antilabor leader. I refer to the able and forceful gentleman from Georgia [Mr. Cox]. This coalition should be known as Cox's army, whose object is to deprive a million and one-half workers of the protection of a law which requires the payment of a meager 30 cents an hour, $12 a week, and reenslave them to a starvation wage of 5 and 10 cents an hour.

This army should not be confused with Coxey's Army, which came to Washington years ago to plead the cause of the underprivileged. The enrollees in the gentleman from Georgia's army will have much more to answer for than the misguided, but well-intended, enrollees in the one-time Coxey's Army.

My colleagues, this issue cannot be confused by the condemnation of organized labor leaders with the unorganized, underpaid industrial workers who are beneficiaries under the wage and hour law.

Mr. Chairman, I was unalterably opposed to the adoption of the hydro-headed rule, which is almost without precedent in the parliamentary procedure of this body, and permitted these three bills to come before the House of Representatives for action.

Only one of these three measures was ever considered and reported to the House by the Committee on Labor, namely, H. R. 5435, known as the Norton bill. Thorough and complete hearings over an extended period of time were held on H. R. 5435, and the Committee on Labor reported to the House a bill which, in my judgment, is more than commensurate with the facts discovered. But under this rule, either the Ramspeck bill, H. R. 7349, or the Barden bill, H. R. 7133, neither of which has been properly considered, can be offered as substitutes for the Norton bill, which is reported as the result of mature and careful consideration by the committee you have appointed to handle such matters.

The issues in this matter are clear-cut. There is no logical manner by which any Member of the House can avoid them. Either he favors the continuation of a legislative policy already established that there shall be a minimum wage of 30 cents an hour—a meager $12 per week—or he favors the return to the despicable conditions of 5 and 10 cents per hour as they prevailed for hundreds of thousands of workers before the enactment of wage and hour legislation. Either we shall go down in history as a humanitarian legislator or "5-and-10-cent" legislator.

It is difficult to believe that men having the best interests of the most humble of our citizens at heart—the lowest-paid wage earners—would resort to such tactics as to bring before Congress ill-advised legislation in an effort to rob the lowest-paid workers in the United States of the small measure of comfort brought to them through the humanitarian wage and hour law, which grants such a meager minimum wage of 30 cents per hour, simply $12 for a week of 40 hours, or $52 for a full month's work.

Selfish and powerful groups representing packing, tobacco, canning, lumber, and other large and greedy interests would, through the so-called Barden bill, return hundreds of thousands of workers to despair. Using the welfare of the farmers of the United States as a camouflage, some of these groups would emasculate or even repeal the law. They make the farmer their Charlie McCarthy, ignoring completely that all farm labor is specifically excluded from the provisions of the Fair Labor Standards Act. They know that Congress will not emasculate and destroy this law unless through farm pressure. These selfish interests make the claim that if they are required to pay 30 cents per hour minimum wage—which is almost invariably the maximum wage for this labor even under the law—it will be reflected by a reduction in the price paid to the farmer for his products. When, let me ask, did these selfish groups become so solicitous of the farmer?

Mr. Chairman, I was born and lived my early youth on a farm and my sympathies have always been with the farmer. My record of 15 years in this body will show that though I represent a large city—San Francisco—my vote on legislation beneficial to the farmers of the country will compare favorably with Members of Congress representing farm districts.

The selfish profit-seeking groups who are the prime movers of the assault on this humanitarian law never have been the real friend of the farmer and would not give him a penny more for his products if the wage and hour law were never heard of; they are simply using the farmer to accomplish their purpose which is to destroy the law and return to the 5-cent and 10-cent starvation wage. This wrecking crew should not be allowed to confuse the issue by using the farmer as a stalking horse. Congress only has one question to determine. Is 30 cents an hour too much for a woman working in a cannery who, in many cases, has a family to support? Is 30 cents an hour too much for a laborer in a packing plant, whose work only lasts during the harvesting season? Is 30 cents an hour too much to pay workers in the sugar, lumber, tobacco, and other industries represented by this group? What would be the reaction of any Member of this body if conditions were different and he received 30 cents an hour for 40 hours' work and then went home to his wife and family with $12 in his pocket, knowing that the Congress of the United States was considering legislation that would even reduce that meager pittance by more than one-half or two-thirds? Yet many good American men and women, as good as you or I, with families to support, sit down at the end of the week to make up the family budget out of $12. Members of Congress, is it possible that you are thinking seriously of reducing this already inadequate compensation by voting for the Barden bill?

If this bill should become law and the protections of the Fair Labor Standards Act are removed from more than a million and a half low-paid workers, their ability to buy the products of the farm would be practically destroyed and the farmer would be the sufferer. The farmers of this country, who, in the final analysis, receive tremendous benefits from the higher standards of living the law now brings, are not seeking the destruction of the humanitarian wage and hour law either directly or indirectly. There are exceptions, of course; some farm areas having processing plants. But it is evident that those representing these exceptions have raised such a loud clamor that a perspective of the great good of this legislation is lost. These same selfish groups have been "sniping" at the Fair Labor Standards Act on every possible occasion. They attempted to destroy the enforcement of the law by reducing its appropriations for enforcement.

At that time I pointed out that farmers, with rare exception, have common cause with wage earners. The fair-minded farmers, who are in the overwhelming majority, are conscious of the fact that there are about 34,000,000 men and women in nonagricultural employment in the United States. They also know that since 1932 Congress has appropriated in excess of $6,000,000,000 for farm relief in one form or another. Every intelligent farmer is appreciative of the proportionate amount the nearly 34,000,000 nonagricultural workers of this country have contributed to this enormous sum without a murmur. The farmers also realize that the nonagricultural workers and their families are by far the largest group of consumers of products of the farm and that the amount of their products consumed is measured entirely by wage earners' purchasing power.

Mr. Chairman, these few adversaries of the humane wage and hour law have been working overtime, resorting to all kinds of propaganda, to poison the minds of unsuspecting people by stressing its inequalities and so-called ambiguities. Had they the genuine interest of the farmers and wage earners at heart they would lend their intelligence to constructively strengthening the law. But they would rather emasculate or repeal the law and throw the underpaid workers back into the pool of despondency; they have been totally blind to the graver inequalities that actually existed for years prior to the enactment of this law. Before its enactment 45,000 women were engaged in the textile and other light industries in a nearby State. They received $5 and $6 a week, and in many cases worked 9 and 10 hours a day. Textile workers in one of the Southern States received from $2.50 to $7.50 a week. Cases of this kind could be multiplied hundreds and hundreds of times, yet there are still those narrow-visioned or selfish individuals who complain of this law.

It is even difficult as the law now stands to give protection to high-minded American employers of labor who believe in paying a wage scale that will raise the standards of living in this country. That they are again subject to cutthroat competition by violators of the law is a proven fact, as court records will show.

I again invite the attention of the House of Representatives to some of the irrefutable facts that definitely show the urgent need for and the value of the Fair Labor Standards Act—facts some of which I stated when the appropriation bill was under consideration, and which speak more eloquently than I can hope to against the enactment of such ill-advised legislation as the Barden bill.

There were 380,000 people engaged in interstate commerce or in the production of goods for commerce earning less than 25 cents an hour when the Fair Labor Standards Act went into effect on October 24, 1938. That means 380,000 working 40 hours per week for less than $10 a week.

This figure does not include an additional 200,000 industrial home workers, the exploitation of whom is one of the blackest spots in the economic life of America. Only a few weeks ago a group of knitwear manufacturers signed a consent decree with the Wage and Hour Division agreeing to make restitution of wages estimated at $250,000 to 10,000 of these home workers, mostly in rural districts of the East and South.

In the Federal court of Brooklyn, N. Y., a manufacturer pleaded guilty to paying his home workers as low as 4 cents an hour. He was fined $1,500 and ordered to make restitution of $4,500 to these employees. The sums that each of

these poor workers drew in restitution were more than equivalent to all the pitiable wages paid them for the full first year of the operation of the Fair Labor Standards Act.

Following an investigation by the Wage and Hour Division, a Chicago hairpin manufacturing company agreed to pay $110,000 in restitution to more than 300 families whose children had worked long hours mounting hairpins on cards when they should have been at play.

In Georgia a county relief investigator reported to the Wage and Hour Division that there was an employer, a runaway shop from New York, who paid his 100 workers such low wages—from $4 to $8 per week—that every family who was represented on its pay roll was on county relief.

In Baltimore a few weeks ago a Federal judge had before him two brothers who manufacture men's clothes. They had been indicted on charges of paying 175 women coat makers 10 cents an hour and less. There was one woman, a widow with three small children to support, who lived in a basement, who worked long hours, and who still could not earn enough to keep her family from the verge of starvation. These men not only failed to pay them the minimum wage set up in the wage and hour law but pleaded guilty to the charge of falsifying their records in an effort to make it appear that the women were earning 25 cents an hour.

A pecan shelling company in San Antonio, Tex., applied to the Wage and Hour Division to employ between 2,500 and 3,000 learners at a rate of 15 cents an hour. In the hearings held on this application it was shown that this company, which made a net profit of $500,000 in 2 years, paid wages as low as $3 and $4 per week, which was supplemented by the employment of 10-, 12-, and 15-year-old children.

Mr. Chairman, it has been admitted that there are inequalities in this law which should be amended by constructive and not destructive amendments; that this law is approved and popular with a vast majority of people in this country was indicated in a Gallup poll taken January 3, 1939—71 percent in favor of the law.

In conclusion I will state there has been a change in the administration of the wage and hour law, and the new Administrator, Colonel Fleming, is being highly commended by every fair-minded employer of labor for the efficient and impartial manner in which he is conducting the office. Congress should encourage rather than hamper the Administrator in his efforts to further demonstrate what this humanitarian law means to the underprivileged of this country. In due time, no doubt, he will submit to Congress such amendments as will correct any inequalities in the law.

Mr. Chairman and my colleagues, as stated before, the issue is clean-cut—whether any group of workers should be deprived of the protection of a law which requires the payment of 30 cents per hour or be forced back under the provisions of the Barden bill to the starvation wage of 5 cents and 10 cents per hour. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Chairman, in the Appendix of the CONGRESSIONAL RECORD, page 2260, the gentlewoman from New Jersey inserted an analysis of the three bills made in order by this rule. I think it would be very informative to every Member if he or she would study this comparison.

In view of the fact that the rule has now been made a wide-open rule, I wish to advise the House that it is not my intention to offer H. R. 7349, which is the bill that bears my name. The only purpose for introducing that bill last year was because we had reached a stalemate in the controversy between the Norton bill and the Barden bill and I wanted to make an effort to take the noncontroversial items which were identical in both bills out of controversy and pass them at that time. The effort was not successful. In view of the fact that the rule is now an open rule, I see no necessity for presenting the bill which bears my name. I may say to the Committee frankly that there is another reason why I do not desire to present it, and that is that I do not want any bill bearing my name to carry any exemptions from a 30-cent-an-hour wage. [Applause.] I do not expect to vote for any such exemption.

In order to understand this controversy you must understand some things about the original act. In the first place, you will find in the original act a definition of the word "agriculture." "Agriculture" is defined to include farming in all of its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity, including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry or lumbering operations, pursued by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market delivery to storage or to market, or to carriers for transportation to market. So whenever anybody tells you that the wage and hour law brings farmers or persons employed by farmers in farming operations under the law they just do not know what is in the law. They are not included under this law, never have been, and it never was intended that they should be. There are three other very pertinent sections of this law that you ought to understand.

Section 6 of the law is the one which imposes minimum wages.

Section 7 of the law is the section that imposes the maximum-hour limitation.

The exemptions to the act from both wages and hours are contained in section 13.

The difference been the Norton bill and the Barden bill, to put it in simple language and in a short space of time, in the main, is this: The gentleman from North Carolina [Mr. BARDEN] proposes to exempt from both wages and hours, that is, from both sections 6 and 7 of the present wage and hour law, many operations which are generally referred to as being the processing of agricultural products, on the theory, as I understand his argument and those who support him, that the increased cost due to the wages prescribed in the hour limitation and involved in the wage and hour law are reflected back in a reduction of the purchase price which the farmer receives for his product. That is the argument for the Barden bill, as I understand it. On the other hand, the Norton bill undertakes to eliminate, as does the Barden bill, the area of production that is contained in section 13 of the present law and to eliminate, not from the wages provided in the law any of these operations but to extend the hours of the workers who process agricultural commodities to 60 hours per week as opposed to the 42 hours now in effect under the present law. In a nutshell, that is the controversy which is raging here today. You can eliminate from your minds the bill I have introduced because everything in it, with the exception of one proposition having to do with the western mining situation, is included in both the Norton and Barden bills.

The question you have to determine here when we get to the amendment stage is whether or not you want to vote to exempt from the 30-cent minimum wage, $12.60 per week under the present law, people who work in canning factories and in processing factories dealing with agricultural commodities throughout this Nation. Insofar as I am concerned, I am not going to vote to exempt those people unless it can be shown to my satisfaction that the entire cost of imposing the 30-cent wage is paid by the farmer himself and to meet that test in very few instances has anybody been able to bring any facts which satisfy my mind that the wages paid in canning plants and in other processing factories that deal in agricultural commodities are reflected back in a reduction of the amount received by the farmers. On the contrary, I want to point out to you that the farmer has no place to sell his product except to the people who work in industrial plants and who work in commercial places in cities and in towns. They do not sell back to the farmers themselves.

I come from what is generally called the deep South. I occupy a position here that is perhaps different from some

of my colleagues from my own State and my own section and what I have to say about this bill I do not wish to have construed as a reflection upon the attitude of any other gentleman who is a Member of this House. All of us have our own responsibilities here, and we must meet them in the light of our own consciences and our own understanding of our duty here; but I am one of those from the South, now representing a district in this body, who believes that the time has come when the South can no longer live on a strata of economic life different from that existing in other sections.

I believe the time has come when, as rapidly as we possibly can, without too greatly disturbing the existing conditions, we must undertake to bring our economic levels up to an equality with those of other sections of the United States. I think we have to have parity in everything with the other sections of the country if we are to have prosperity in the South; therefore, as one Member of Congress, I am not willing to take the position in this House that because we are largely an agricultural section, and because it has been the custom in the South since time immemorial to pay people lower wages than they pay in other sections, we must forever continue this policy in our part of the country. [Applause.]

Mr. Chairman, it is true that the income of the people of our section of the country is below that of any other section of the United States. That is true of our farmers compared with the farmers of the West, and the East for that matter; it is true of our lawyers; it is true of our doctors; it is true of our business executives; they all get less money for the same service, because the South has been on a lower economic level than the remainder of the country. I am one of those who wants to see that condition corrected, and I believe under this law we will take a step, and have taken a step, in a direction which will be more beneficial to the South perhaps than any other section of the United States. Mr. Chairman, 30 cents an hour is too little for anybody to be paid for his work in this day and generation, but that is what we have in this statute, and I do not believe that any of us can go home to our constituency and justify an exemption from that kind of wage scale on any other theory except that it is paid by a farmer who himself cannot control the prices of his commodities from which he gets his income. That is the test which must be placed in front of me before I will vote for an exemption of any operation under this law from the 30-cents-an-hour wage.

Mr. DIES. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. DIES. Is it not a fact that when there is an increase in the price of any farm implement growing out of an increase in wages that that is passed on to the farmer? What is the difference between a canning factory and a cultivator factory, or any other factory?

Mr. RAMSPECK. Of course, an increase in the price of anything the farmer buys is a disadvantage to him. There is no question about that.

Mr. DIES. What is the difference between a cannery on the one hand and a cultivator factory on the other?

Mr. RAMSPECK. There is not any.

Mr. DIES. The whole thing is passed on to the ultimate consumer eventually?

Mr. RAMSPECK. Yes. The difference would be in favor of the man making farm machinery, because the farmer does buy machinery. He does not buy canned goods. He cans his own if he gets any, and most of them in my section of the country cannot buy any. I would like to see their income raised down there, if there is any way to do it.

Mr. WOOD. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Missouri.

Mr. WOOD. Is it not a fact that the wages paid by the International Harvester Co. and these other manufacturers of farm machinery have nothing to do with the price of the machinery?

Mr. RAMSPECK. The gentleman may be correct. Certainly there is nothing in this bill that would warrant an increase in the prices of the things he mentions because they have always paid more than the minimum prescribed in this act.

Mr. MICHENER. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Michigan.

Mr. MICHENER. Did I understand the gentleman to say that the cost of producing a thing has not anything in the world to do with the sales price of that article?

Mr. RAMSPECK. I do not believe he said that.

Mr. MICHENER. That is what he said.

Mr. WOOD. What I meant to convey is that the wage cost in the production of a thresher or a binder used on a farm is a very small part of the cost of that machine to the farmer. It is not 1 percent, nor one-half of 1 percent.

Mr. MICHENER. I would like to have the gentleman put the figures in the RECORD.

Mr. RAMSPECK. You may discuss that in your own time.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. MAY. Either I misunderstood the gentleman from California [Mr. WELCH] or I misunderstand this debate. I understood the gentleman to say a while ago that there was evidence before the Committee on Labor that someone in this country was paying as low as 4 cents an hour wages. Is this true or is it not true?

Mr. RAMSPECK. I do not recall the exact figures. We have had evidence of some very low wages, and I believe perhaps we did have some testimony about some home-work operation where that was true.

I must finish my statement now.

I wish to urge the Members of this House to study the comparison of these bills shown in parallel columns in the Appendix of the RECORD, page 2260, because I find there is a great deal of lack of understanding of what the Norton bill proposes to do. I think it goes just as far as we ought to go in amending this law. I do not believe we ought to make further exemptions from the wages provision of the act, which now provides 30 cents an hour for a 42-hour week. The most that can be imposed under this law today is $16 a week. Insofar as the operations that are involved in this controversy are concerned, $12.60 a week is the maximum the law requires today, because no industry committees have fixed higher wages, as they might do if that procedure were followed.

We are faced with this situation: We have to choose between a bill which completely exempts from both wages and hours people who to my mind are nothing in the world but industrial workers processing agricultural commodities in packing plants and in canning plants and in plants like the Borden Milk Co., places of that sort, where they make cheese and things which this Norton bill does not exempt. I wish to say here that perhaps I was in error about my reply to the gentleman from Wisconsin a while ago, that perhaps canned milk is given a 60-hour week under this act.

I hope the Committee will see fit to vote down the Barden bill and limit these exemptions to hours alone. [Applause.]

[Here the gavel fell.]

Mr. BARTON of New York. Mr. Chairman, will the gentleman take 1 minute from this side to answer a question?

Mr. RAMSPECK. Yes; I will take more, if you will give it to me.

Mr. CASE of South Dakota. In view of the gentleman's statement with respect to his own bill, and the particular section in his bill with reference to mining, what does the gentleman propose to do? I have compared the bills and I believe the section in the gentleman's bill on mining is extremely important.

Mr. RAMSPECK. I intend to offer an amendment either to the Norton bill or the Barden bill, or both, containing that amendment in the language which appears in H. R. 6406, which limits it to mines which are inaccessible due to high altitude or remoteness from cities and towns. The amendment I propose to offer is one in which the gentleman from Colorado [Mr. LEWIS] and others are interested, and it is, I think, a perfectly sound amendment. [Applause.]

The wage and hour law, in my opinion, by raising the income of the workers who are lowest paid, will help to bring better health to these citizens.

To show that this may be true, I include herewith a part of a statement made by the Surgeon General of the United States.

[From Alliance (Ohio) Review of April 12, 1940]

NEW TYPE OF FAMINE IN UNITED STATES

CAMBRIDGE, MASS., April 12.—A new kind of starvation—due to faulty nutrition—is gripping more than one-third of the Nation, Dr. Thomas Parran, Surgeon General of the United States Public Health Service, said today.

Declaring "more than 40 percent of the people of the country are not getting a diet adequate to maintain good health and vigor," he said in a lecture at Massachusetts Institute of Technology that improved nutrition should be recognized as a "national problem."

"The new kind of starvation," said he, "may be even worse in its ultimate social effect than the ancient famines which periodically killed off a large part of the population."

The foods of which the Nation has an apparent surplus, he said, "are those in which the national dietary is deficient—milk and milk products, citrus fruits, green vegetables, and meats."

It seems to me that one certain result of increasing wages to those in the lowest income brackets is to increase their consumption of farm products.

In support of this statement, I include with my remarks an article by Charles G. Ross, which is as follows:

[From the St. Louis Post-Dispatch of March 4, 1940]

WASHINGTON LETTER

(By Charles G. Ross)

HOW THE FARM PROBLEM IS LINKED WITH INDUSTRIAL UNEMPLOYMENT—"SURPLUSES" SEEN AS ONLY "A SMUG NAME FOR A SHOCKING AMOUNT OF UNDERCONSUMPTION"

WASHINGTON, March 4.—The problem of what's the matter with the country, from whatever angle you view it, gets down in the end to the matter of unemployment. Along with the new ideas and the new tools of government that this administration will hand along to the next, there will go this terrible legacy—barring an economic miracle—of some 10,000,000 unemployed. Till the deep-seated ailment represented by these figures is cured, or at least greatly alleviated, there can be no real health in our economy. If the evil of unemployment can be ended, we shall have no trouble in taking care of the lesser of our ills.

These are truisms, and precisely because they are, there is danger that their significance will be overlooked or forgotten in our preoccupation with the side shows of the political campaign, and, at the moment, with foreign affairs. No national candidate seeking the favor of the people should be allowed to dodge the great underlying domestic issue of unemployment.

What has brought this problem of unemployment to the top of the writer's mind is a speech which Milo Perkins, president of the Federal Surplus Commodities Corporation, made recently to a farm institute at Des Moines. We are accustomed to think of the farm problem as one thing, and the problem of getting men back to work in industry as something entirely different. Mr. Perkins shows vividly how interrelated are the two.

He approaches the subject from the angle of the farmer. The farmer's troubles stem from his production of more than he can sell in the present market at a profit. There are three reasons behind this condition. One is the fact that scientific methods have enabled the farmer, without extra labor, to make two blades of grass grow where one grew before. He doesn't know where to sell that additional blade.

The second reason pointed out by Mr. Perkins is the dislocation of our foreign trade. Incidentally, he says that the present war is certain to hurt our agricultural exports in the long run, and he fears that after the war things will be even worse. This is the unhappy prospect because the Allied nations, fighting fire with fire, are going more and more on a totalitarian basis and adopting centralized controls of their foreign trade. After the war, Mr. Perkins thinks, we are likely to find ourselves in a world reluctant to give up its barter economics.

The third great cause of farm surpluses has to do with the 10,000,000 unemployed. Here is where the plight of the farmer and the plight of the jobless industrial worker are seen to be integral parts of the same problem. For the term "surpluses," as Mr. Perkins says, is simply a "smug, polite name for a shocking amount of underconsumption."

He states the case very simply and very graphically. Notwithstanding the fact that industrial production rose last December to the 1929 level, we continued to have an army of unemployed not much smaller than that of the bleak days of 1932–33. The reason for this was twofold: The growth of population and the increased output per worker—something like 20 percent in the last 10 years. We have been smart enough to make amazing mechanical improvements. Are we going to be smart enough to provide jobs for the jobless? Mr. Perkins does not exaggerate when he says that "on our answer to that question—not in words, but in jobs—hangs the future of our industrial democracy. In other lands it has lost its race against time; if we have the courage to make it work here, then we shall be in truth a chosen people."

We can produce almost anything. The problem is to learn how to distribute what we produce so that we can wipe out this black plague of the twentieth century—underconsumption. Ahead of us is a job of national pioneering which has barely been started.

The trade-agreements policy of Mr. Hull is excellent; we need all the foreign outlets we can get, both for our farm and our industrial products. But, there's a tremendous potential market here at home beside which the foreign market, at its best, shrinks into insignificance. Mr. Perkins tells some of the possibilities from the viewpoint of the farmer with the miscalled "surplus." A few of his figures will illustrate the point.

In 1935–36, nearly two-thirds of all the families in the United States had incomes of less than $1,500. The average for this group was $826 a year—$69 per month for the whole family. "That," says Mr. Perkins, "is the story of underconsumption in one figure."

Some Utopian figures could be given, but let's see what would happen if all the families getting less than $100 a month in 1935 had been able to raise their incomes to that level. The increase in expenditures for food would have been $1,900,000,000. The national food bill would have been increased more than 14 percent, farmers would have received directly nearly a billion more in income, the extra demand would have increased their income by a large additional amount, the improvement in the farmers' status would have contributed to the general well-being, industrial unemployment would have been decreased.

To provide jobs for the jobless in private industry and so end underconsumption—that's the crux of the great economic problem that bedevils us, and none of those holding or seeking national power should be allowed to forget it.

Mr. Chairman, if we can improve the health of the workers who are paid low wages, and can enable them to buy more food and clothing, we will have brought assistance to the unemployed and to the farmer.

As I have stated, the farmer must sell his products largely to the citizens of the cities and towns. They can buy only from the wages received for their labor. Therefore the farmer is interested in seeing that industrial workers are properly paid.

Persons employed in canning factories, packing plants, and in similar activities, which the Barden bill seeks to exempt from wages as well as from hours, need the protection of this law.

I cannot give my consent to vote to exempt these people who now are required to be paid only 30 cents per hour. How can any Member of Congress, making as we do a sum equal to 2 weeks' wages for them for each day, face those people and say that they do not need to be protected from a situation which places their meager earnings in competition? Wages that low should not be a matter of competition.

The Norton bill keeps the floor under these low wages. It gives longer hours to take care of the small plants. The large plants work under contract with labor unions, so their employees are protected.

It seems to me that the Norton bill is an answer to any valid criticism in the present law as to these processors of agricultural commodities. The Barden bill goes too far.

[Here the gavel fell.]

Mr. BARTON of New York. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, the remarks you have just heard coming from a Democrat from the South ought to have a great deal of effect on the minds of those who are at least on the borderline and who have retained an open mind on whether they would support this humanitarian legislation or whether they would oppose the whole wage and hour law, not only because he comes from the Southland but because he comes, I assume, from an agricultural district. I, too, come from an agricultural district of the North, and I voted for the wage and hour bill. I believed then it was sound and meritorious legislation. I believed it was constitutional, although I knew at the time it was an invasion of the rights of the States. I am convinced that most of the American people have made up their minds now that it was proper and needed legislation; that it was constitutional; and that it was in the interest of all the American people and particularly in the interest of what we are apt to term the forgotten men and women, the millions of wage earners who are not organized, who have no voice and little representation, including

the colored people who are not represented here from Southern States.

I have the highest respect for the gentleman from Georgia [Mr. Cox]. He is a distinguished Member of this House, and has the courage of his convictions. He is a first-rate fighting man, and there is hardly a better one in the House. He is honest and sincere in his opposition and I do not impugn his motives. He is opposed to the entire program of wages and hours. He opposed it when the bill was up. Therefore, when he comes before the House and leads a fight to amend the bill I advise the Members of the House to remember that old story about Greeks bearing gifts. To my mind, this Barden proposal is the Trojan horse that the opposition are trying to insert in the walls to break down, to undermine, and to ruin and destroy the wage and hour law that was enacted by the Congress of the United States to lift up the wage scale of those unfortunate American wage earners who were receiving 5 and 10 cents an hour and to give them, little enough, 30 cents an hour.

If I have any criticism of this bill it is that it should have been enacted years and years ago to maintain a proper American standard of wages and of living. I do not agree with some of my friends on the Republican side, even from my own State, who have opposed the bill from the beginning. We on the Republican side have always stood for an American standard of wages and of living, and when we refuse to vote at least a 30-cent-an-hour wage we are certainly not upholding that great ideal of the Republican Party which we have adhered to for so many years, the protective tariff which aims at establishing a proper and an adequate American wage scale and standard of living.

I hope my Republican friends listened attentively to the remarks of this Democrat from the South. I, too, come from an agricultural district of the North and do not believe that there is any discrimination against American farmers in upholding a $12-a-week wage scale.

Mr. COX. Mr. Chairman, will the gentleman yield to me?

Mr. FISH. Certainly, I yield to the gentleman.

Mr. COX. The gentleman to whom the speaker refers as coming from an agricultural district of the South is the one Representative who comes from the great city of Atlanta, of which the South is proud.

Mr. FISH. I am glad to be corrected.

Mr. COX. Of course, I join with the gentleman in the compliment he pays my colleague, whose friendship I appreciate and as to whose understanding and fine patriotism I gladly testify. Now, it has become somewhat of a habit on the part of members of the Labor Committee to make me the object of attack. They seek to point me out as a labor baiter, altogether opposed to the doing of anything that might improve labor. The constant attack made upon me by the chairman of the Labor Committee, and the ranking minority member of the committee, the gentleman from California [Mr. WELCH], reminds me of a story. When I was a small boy living far out in the country, my mother had an old hen that was always sitting. She had, however, a most contrary disposition. We would duck her, but she would go back on her nest. However, in indulging her disposition to quarrel she somewhat neglected her nest, and the eggs grew cold and never hatched. We had also an old rooster. He was the handsomest thing in the barnyard. [Laughter.] He was always crowing in response to the cackle of the hens, but in all the years that he reigned in the barnyard there was never a chick that looked like him. [Laughter and applause.]

Mr. FISH. I have never questioned the gentleman's motives and do not propose to do so now. I commend the gentleman from Georgia because he has the courage of his convictions to oppose this type of legislation on every occasion, and there are those on our side who have opposed this legislation likewise, but I feel that the American people themselves have already determined that this is sound and wise humanitarian legislation and is deserving of the support of all the Representatives in Congress who want to maintain American standards of wages and living.

Now, as I said yesterday, I believe in certain modifications and in certain amendments to this bill, particularly as far as seasonal hours are concerned. Up in New York State, where they grow tomatoes, and the tomatoes get ripe at a certain time, of course, there must be an amendment to the bill so that those canneries can operate without paying overtime. Such amendments are proper and should be in order, and no Member should oppose them.

The reason I have risen here today is simply to insist that the Members on both sides realize that an attack is being made on the whole fabric of the bill. The opposition is seeking to undermine, destroy, and ruin the wage and hour bill. This is the last chance to undermine and wreck this humanitarian legislation, and every kind of amendment will be offered with the sole purpose of breaking down and ruining the wage and hour law, which is based on the principles of social and industrial justice in the United States.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. For a brief question, yes.

Mr. MAY. The gentleman understands, of course, that there is a division between certain labor groups in this country and quite a controversy. I have got the impression from the reports that come in here and the way these bills have come to the floor of the House, as well as from the debate, that the Norton amendments are aimed at heading off the Barden amendments and that the Barden amendments are aimed at the wrecking of the bill.

Mr. FISH. I think the gentleman from North Carolina [Mr. BARDEN] can speak for himself. He is going to follow me, I believe, but the Labor Committee has reported out the Norton bill which carries the amendments that they think are meritorious and would be helpful.

Mr. MAY. And they have reported two other bills.

Mr. FISH. No; the Committee on Labor has reported out only the Norton bill. They have considered this issue for a long time and they have reported that bill out by either a unanimous vote or a very large and substantial vote. Therefore, if they are for this bill, it certainly should have the right of way ahead of the Barden bill.

What I am arguing about is this—not that we should not amend the law in certain instances, but we want to make sure that those who are trying to destroy the bill shall not creep in under a Trojan horse and destroy the whole bill by their efforts to go too far and sabotage and wreck existing law.

Mr. MAY. Does the gentleman mean to say that the Rules Committee did not report out the Barden amendment?

Mr. FISH. I was talking about the Committee on Labor.

Mr. MAY. I was talking about the Committee on Rules.

Mr. FISH. The Rules Committee reported all three out, but there have been no hearings on the Barden bill or on the Ramspeck bill. The only hearings that I know of were held on the Norton bill, and that is the bill that I am supporting today, and I hope that those amendments will go through and that Members of the House will not try to enlarge on them and add to the amendments so that wage earners who are not farmers, who are not agriculturalists, who are in no sense tillers of the soil, but who are industrial workers, will be excluded from the provisions of this law. I am in favor of any honest, fair, and needed amendment, but I oppose right here and now any and all efforts to destroy this sound and humane legislation, which I think is the fairest, soundest, and best piece of legislation that the New Deal has enacted into law.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SCHAFER of Wisconsin. In order to make this Wage and Hour Act effective, will the gentleman favor an amendment which will require that imports from foreign countries under the Hull New Deal American sell-out trade treaties, to be produced under the same wage and hour limitation? Many of those imports from foreign countries are produced by people who work 20 hours a day and who receive much less than 5 or 10 cents an hour.

Mr. FISH. I think the Republicans are all agreed to that proposal—that we have to protect the American wage scale

against the sweatshop and pauperized labor of Europe and Asia.

Mr. SCHAFER of Wisconsin. We should not permit low-wage and long-hour foreign imports to continue. The workers in many foreign countries work 20 hours a day and for as low a wage as 1 cent an hour. If we continue to import the products which they produce we are really hitting the American workers in competing industries below the belt and doing far more damage than we will ever correct by the Wage and Hour Act.

Mr. CASEY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. CASEY of Massachusetts. The gentleman pointed out that there should be some seasonal exemptions, for example, in the tomato-processing industry in his State.

Mr. FISH. Yes.

Mr. CASEY of Massachusetts. May I suggest that the Fair Labor Standards Act already has a seasonal exemption of 60 days, so far as time and a half is concerned.

Mr. FISH. That is what we are primarily concerned with, the time and a half, and not the wage scale. I think the objections on this side from the farming districts are probably all on the time-and-a-half proposition and not on the wage scale, but the amendments in the Barden bill are on the wage scale, and more than 1,000,000 wage earners would be exempt from the minimum-wage scale if that bill is adopted. In conclusion, as far as any amendments are concerned, I do not propose to vote for an amendment to the existing law that lowers the wage scale by as much as 1 cent. That ought to be the test of all amendments. If any amendment lowers the wage scale, then I think those in favor of this legislation ought to vote it down. If the amendments have to do with seasonal hours, that is a different matter, and they ought to be considered upon their merits.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. BATES of Massachusetts. Having in mind the position of the gentleman from New York, as well as myself, and I have favored the wage and hour bill from its very inception, does the gentleman believe that the purpose of this bill is to include the higher-brackets-income people or is it promoted for the purpose of taking care of the low-wage-scale people?

Mr. FISH. Oh, the higher brackets ought to be excluded.

Mr. BATES of Massachusetts. The great mistake that we are making is to force that proposition in the higher brackets.

Mr. FISH. That ought to be excluded. This law is meant to lift up the wage scale of millions of low-paid and impoverished people in America, both North and South, and if we Americans do not believe that an American citizen is worth 30 cents an hour, then we have not very much faith in America or in American citizens. If $12.60 a week is too much for an American worker, in the greatest and richest country in the world, then we have not much faith in our own country, in its citizens, or in its great destiny. The main defect in the bill, I think, is that it does not increase the wage scale to more than 30 cents an hour, or $12 a week, immediately.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. COFFEE of Nebraska. The gentleman is familiar with the exemption from overtime penalties that were granted in the original bill to the livestock processors for 14 weeks during the year, in the aggregate. In that industry they pay from 60 cents to $1.27 per hour, but the wage and hour Administrator's ruling has nullified that exemption.

The shipper who ships cattle or hogs or lambs to the processor cannot pass that extra cost on to the consumer.

Mr. FISH. Well, all I can say is I am in favor of doing away with all of these inequalities and injustices. I would favor any such amendment to do away with them. [Applause]

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN of North Carolina. Mr. Chairman, this is a matter in which I am very, very sincerely interested. I never have on this floor, nor do I now, propose to indulge in personalities or in questioning the motives of anyone. I like to regard this House as a body of men and women who are here with the sincere purpose of representing, to the best of their ability, the people of this country. For my part I am willing to account to my people or my Maker for my conduct in that respect.

There has been some bitterness about this bill. Why I do not know. There has been much confusion.

Mr. Chairman, this is not a question of cutting someone below $12.60 a week. Lord knows $12.60 a week is too small for any family to live on during these times, but I am sorry to report to this House that there are millions who have to live on less than that.

Why did they leave the farmers out to begin with? [Applause.] Somebody answer that question in an intelligent manner. Was it because his income was so small from the products that he feeds the folks of this Nation that he could not pay a pittance of $12.60 per week? Yes, my friends, I have them in my district who are making 4 cents, less than 4 cents, per hour. I visited my courthouse recently and there the walls are plastered with notices by the Federal land bank, the joint-stock land banks, money lenders, banks, and otherwise foreclosing these homes. Why? Listen to me. Why? Because the people of this country have been eating their products and paying them approximately nothing for them.

Now, let us get to the practical side of this thing. I, opposed to $12.60 a week? I despise the thought of it, as a principle; but I say to you if you are going to put a floor under those who handle agricultural products, then for God's sake do not put the farmer under the floor. [Applause.] Where is the floor under him? Oh, yes. You like ice cream with strawberries. You like strawberry shortcake. You like strawberries with cream. Here is a report of what those berries cost the man, just from the bush: Two cents a quart to pick them and to examine them and to pack them and to put them in the crate; 40 cents for the crate. What does it cost him to take a crate of berries from the bush to the platform? It costs him $1.42, and they were selling for $1.50 to $1.75 and $2 in my district, and I represent the greatest strawberry-producing district in the United States.

Pray tell me how is he going to pay for the fertilizer, the hoes, plows, and other supplies and equipment that he buys from the manufacturing companies? Every time you add handling charges to those products, whether it be strawberries or vegetables or other agricultural products, you do not put them under the farmer; you put them on top of him. Now, let somebody deny that. You have only to refer to the fact that in 1937 we were 21 percent above the 1910–14 level on agricultural prices. In 1938 down we went 26 percent. In 1939, 7 percent more. How long can the farmers endure that?

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. I would like so much to go along with my statement.

Mr. DIES. I want to get a little information.

Mr. BARDEN of North Carolina. Please let me go along with my statement.

Take a quart of strawberries. Do you know that when the price of strawberries reach 15 or 20 cents a quart, people will not pay another penny for them; yet that quart of berries brings 3 or 4 or 5 cents or possibly 8 cents down where it is grown. You can add on all the handling charges to that quart of strawberries that you want to, but when New York wires down to their buyers on that market, they say "Pay $1.75 for berries this morning," and that is all they pay, my friends. All the handling charges deducted and the farmer gets what is left. When the "ducks" get through with him, the "ducks" have got it all. Now, that is a general proposition.

I am very serious about this. I represent a district 200 miles in length and approximately 100 miles in width. It is populated with agricultural people, rural people, honest, hard-working people; yet the farmer can sit up 24 hours a day, day and night, curing his tobacco, and when he takes it to the warehouse the man will come in there at 8 o'clock and make more money on his tobacco from 8 o'clock to 4 o'clock than the farmer will make in a week. And tell me they do not pass that on to that farmer; why, they walk right up to the window. Over here is all the handling charges. Over here is what the tobacco brought. Right in front of his eyes they deduct that from the price of his tobacco and he gets what is left. Now deny that.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. No, I do not care to yield at this time.

The CHAIRMAN. The gentleman from North Carolina declines to yield.

Mr. BARDEN of North Carolina. With regard to the large cities I would say that New York City, Philadelphia, Baltimore, and Washington have taken more from my people and paid less for it than any group of people in the world today. I recall getting up one frosty morning thinking I would make a little money. I cut 22 baskets of nice lettuce and shipped them to Philadelphia. I started cutting at about 3:30, and finally got them on the train at 7. A week and a half later I got a check for 16 cents—16 cents. They might have paid me 1 penny a basket for a 50-pound basket of iceberg lettuce, it seems to me, but I got only 16 cents.

Mr. Chairman, they, the farm producers, are the folks I am talking about. Maybe I am wrong. If I am, God knows I have never been more sincere and honest in a conviction in my life.

I want to say this about these amendments: I wiped out of the law the term "area of production," yes. I challenge any man or woman in this body to justify the Administrator's interpretation of area of production; I challenge any man or woman in this House to justify leaving the term "area of production" in the law in such way that the Administrator can make it 10 miles this week, 5 miles next week, or 30 miles next month. How can an industry, in which 32,000,000 people in America are engaged and working, survive any such uncertainty?

I do not want to hurt the industrial worker. I deplore the statement. I deny it emphatically. There is no disposition on my part to want to hurt the industrial worker. But, Mr. Chairman, it does not sound well to me to be told that they are paying $1.80 an hour to the person who cuts up the hog that my folks sell for 4 cents a pound. In 3 hours the man in the factory cutting up a 100-pound hog can earn enough to buy one, a hog that it took a farmer 6 months to grow. And then we want to keep adding on and adding on. I do not see how we can do it.

I wiped out the term "area of production." I thought it was the only safe thing to do.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. Just briefly.

Mr. COOLEY. The gentleman made the statement that he wiped out "area of production." Is it not a fact that they wiped it out down in the Department, that they struck it out by administrative interpretation?

Mr. BARDEN of North Carolina. They wiped out the exemptions which were granted by Congress and by Congress put in the bill.

Mr. COOLEY. That is what I mean.

Mr. BARDEN of North Carolina. I just struck out "area of production" in my amendment. [Applause.]

Mr. Chairman, let me say that I do not believe this body wants to leave the destiny of agriculture and the agricultural people in the hands of any one man who is an Army colonel and does not even pretend to be an agricultural man. We passed an act which, among its provisions, stated that the Administrator was to report to this body and recommend amendments to this act. Congress expected that amendments would be needed. Why should I be maligned and abused for suggesting the very thing the House ordered the Administrator to do when the act was passed, to make recommendations to this body as to how the act should be changed? I suggest you read the act.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BARDEN of North Carolina. I am advised that my time has expired. Would the gentleman from California grant me a little more time? I have been working an awfully long time on this.

Mr. WELCH. I may be able to later in the day, but I cannot do it now.

Mr. BARDEN of North Carolina. May I not have just 5 more minutes?

Mr. WELCH. I cannot disappoint Members whom I have already promised time, much as I would like to accommodate the gentleman.

Mr. BARDEN of North Carolina. Will the gentlewoman from New Jersey grant me a little time?

Mrs. NORTON. I am sorry; I have not even a minute left that I can grant. I am sorry.

Mr. BARDEN of North Carolina. I am awfully sorry. I have worked about a year and a half on this. I would like to discuss my amendments individually, for it is rather difficult to try to cover a subject like this in a few minutes.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Time for debate has been fixed.

Mr. BARDEN of North Carolina. I thank my colleagues for their attention. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BARTON].

Mr. BARTON of New York. Mr. Chairman, I receive a good many letters and telephone calls congratulating me on the enlightened statesmanship I have shown in proposing my amendments to the Fair Labor Standards Acts. I also receive in the same mail an equal number of letters and telephone calls accusing me of wanting to trample down the lowest and most unprotected workers in the United States. Just to make it clear for the RECORD, I think I ought to start by stating that I am the Mr. BARTON of New York who in this particular instance is supporting the bill and upholding the hands of the chairman of the Committee on Labor, and not the Mr. BARDEN of North Carolina who is causing her such mental and spiritual anguish. [Laughter.] On many other matters the gentleman from North Carolina [Mr. BARDEN] and I find ourselves in agreement; and I am convinced that if we went back far enough we would discover that we had a common ancestry and that probably one of our ancestors, his or mine, just did not know how to spell.

Mr. Chairman, my quarrel with the New Deal administration is not at all with respect to its so-called social objectives. I have been sometimes criticized within the ranks of my own party for being too sympathetic with and too friendly toward those objectives. My quarrel has to do, first, with what I regard as the grave danger involved in the New Deal's unsound and extravagant fiscal policies which I believe are jeopardizing the credit of the Nation, and will eventually harm most seriously the very people—the poor and the weak—whom it is the professed object of the administration to help. My second quarrel with this administration is that it is so much enraptured with reform that it has altogether too little interest in sound administration.

Now, I want to say, in all justice to the administration, that when it came to finding an administrator for the Wage and Hour Act, the President of the United States made an honest, earnest effort to get the ablest men who could possibly be put in that position. I happen to know something about that, because curiously enough through a mutual friend my help was enlisted to see if we could not persuade one of the leading business executives of this country, who was persona

grata to labor, industry, and agriculture, to become administrator of the Wage and Hour Act. Unfortunately it was impossible to secure him because of commitments he had already made to his associates. In his place the President appointed Mr. Andrews. Subsequently, the gentleman who had been first approached, had a conversation with Mr. Andrews, in which he put forth some very sound advice. He said:

> My suggestion to you, Mr. Andrews, is this, and it is what I would do if I were in your place—go in there and apply this law at the beginning to just as few people as you possibly can. Start slowly; build your organization slowly. The law was enacted to get rid of sweatshops, child labor, and chiselers. Clean out those sore spots first, then feel your way along, and do not try to stretch out and include everybody at once.

Now, I believe that Mr. Andrews was well intentioned, but he had the misfortune to find himself surrounded in the division of wages and hours by a group of lawyers with a pretty rigid legalistic turn of mind. Many of us here in the House who had to do with the administration during his incumbency discovered how difficult it was to get any sort of reasonable rulings out of the Wage and Hour Division. My own mail, last year, was loaded with complaints and pleas for amendment to this law. I cannot speak for any other Member, of course, but my own experience, peculiarly enough this year, has been that I have received almost no complaints as contrasted with the overwhelming volume that poured in on me last year. I attribute this in part, and I think rightly, to the fact that Colonel Fleming came into the administration of the Division and brought a more flexible attitude, a better understanding of the problems of industry as well as of labor, and is trying earnestly to iron out the sore spots even in advance of the enactment of these amendments which the Labor Committee has proposed.

Specifically I know that a study is now going on seeking to arrive at a more workable definition of "seasonable industry." It may well be possible to liberalize this definition in such a way as to provide reasonable exemptions to the smaller canning and processing industry, not in the matter of wages, which nobody proposes to do, but in the matter of hours. For example, a plant canning cherries in the spring might be exempted also as to the canning of apples later in the season. A plant in the citrus-fruit country might be granted 14 weeks' exemption from the hours regulations during the season of certain early oranges and a similar exemption during the season for grapefruit or some other kind of oranges. In other words, by redrawing the definition of "seasonal industries" not in terms of plants, but in terms of products, it may be easily possible to remove many of the hardships against which there has been most complaint and without dangerous amendments to the law. I know also that studies are taking place looking toward a redrafting of the definition of those workers employed in executive, administrative, professional work, or as outside salesmen, or in a retailing capacity. These definitions the former administrator made unnecessarily tight. Hearings are presently being held, for example, as to the application of these definitions to the wholesale distributing trade, with every promise of a sensible and satisfactory agreement by all parties concerned.

Of course, it was never intended under this act that the $5,000 or $10,000 or the $20,000 a year executive should be punching a time clock. The whole argument in 1937, as those of you know who were then in the House, was that we should once and for all eliminate child labor and the chiselers, as well as the sweatshops from this country.

In reassurance to the House, from my experience with the Division, which has been very close, I say again that I am impressed with Colonel Fleming's desire to be reasonable, cooperative, and willing to deal with situations in an open-minded way. He must have made this impression on both business and labor, for I understand his administration is entirely satisfactory to the leaders of organized labor; and certainly the complaints of industry and the pleas for relief which so loaded my own mail during the last session have largely disappeared.

My position in regard to the proposed amendments is clear. I favor the Norton amendments, which were worked out with painstaking care and after long deliberation in the Labor Committee. They remove hardships without weakening the act. Further than these amendments I am not willing to go.

The Barden amendments would, in my judgment, exempt hundreds of thousands of the poorest paid and most helpless workers, including large numbers of Negroes and other underprivileged white workers, especially in the South, for whose protection the act was especially designed.

Mr. BARDEN of North Carolina. Will the gentleman yield?

Mr. BARTON of New York. I yield to my cousin from North Carolina.

Mr. BARDEN of North Carolina. I am most highly complimented. I notice in the gentleman's figures, and I notice in the report which has been put in the RECORD that I am charged with exempting 325,000 "white collar" workers. In my provision it says if they have a guaranteed salary of $150 a month or a guaranteed yearly salary of $1,800 and are not required to work any minimum number of hours—in other words, they work when they please and keep their own time—then they are exempt. Does not the gentleman agree that there is considerable merit in that provision?

Mr. BARTON of New York. I may say to the gentleman from North Carolina I entirely agree with him on that.

Mr. BARDEN of North Carolina. This bill was passed to protect people working in sweatshops and the industrial workers generally, was it not?

Mr. BARTON of New York. That was the plea under which it was enacted. May I say in that connection that in the Norton bill the exemption is $200 a month, while in the Barden bill the exemption is $150 a month.

Mr. BARDEN of North Carolina. The fellow down in my country who gets $200 a month is a big shot.

Mr. BARTON of New York. I understand that.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from New York.

Mr. MARCANTONIO. The gentleman from North Carolina in his speech pointed out the sufferings of the farmer and the disadvantages under which the farmer labors. Does the gentleman from New York agree with the position taken by the gentleman from North Carolina by implication that the way to solve these ills is by taking it out on labor in this country?

Mr. BARDEN of North Carolina. The gentleman did not understand me to say that.

Mr. BARTON of New York. May I say to the gentleman from New York that I believe he must have misunderstood the inquiry addressed to me by the gentleman from North Carolina; he asked about the provision in respect of executives.

Mr. MARCANTONIO. I was not referring to a statement in his inquiry, I was referring to the implications that were to be drawn from the speech the gentleman from North Carolina made on his amendments.

Mr. BARTON of New York. I would rather have him explain the implications of his speech.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Pennsylvania.

Mr. RICH. If this bill had in the first place been drawn right for the benefit of labor in this country, why did they not include farm labor and why did they not include labor employed in establishments employing less than eight people, so that all the people would be taken under the bill, and thus make it the right kind of a bill in the first place?

Mr. BARTON of New York. We are trying to make it a better bill now.

Mr. McCORMACK. Mr. Chairman will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The answer to that is very simple, that we recognized the special plea of labor on the farm. We also exempted those employed on the farms from the Social Security Act.

Mr. BARTON of New York. You also exempt from the Social Security Act, do you not, concerns having less than eight employees?

Mr. McCORMACK. From some aspects of it; yes.

Mr. ROBERTSON. Mr. Chairman, will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Virginia.

Mr. ROBERTSON. The language on page 15 of the Norton bill in subsection 12 reads as follows:

Any employee employed in the cleaning, packing, grading, or preparing of fresh fruits and fresh vegetables in their raw or natural state when such operations are performed immediately off the farm.

May I ask the gentleman if the word "immediately" refers to time or distance or both?

Mr. BARTON of New York. I should say both, subject to correction.

Mr. ROBERTSON. Then to what extent would that make this bill conform to the statement of Colonel Fleming published in the Appendix of the RECORD, page 2260, that the Norton bill eliminates the area of production under which, as I understood, the clear intention of the Congress to exempt those rural workers engaged in packing fresh fruits and vegetables from the operation of the bill, they were brought under the bill by saying the area of production was 10 miles. Now, when you say, "immediately," have you not made a tighter area of production than we have under the present law? How far is "immediately"? Would it be 10 miles or would it be 100 feet?

Mr. BARTON of New York. I would like permission to discuss that when we reach that point in the bill.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BARTON of New York. I yield to the gentleman from Michigan.

Mr. MICHENER. I might suggest as a yardstick that the gentleman inquire of the Secretary of Labor, who fixed the locality or the vicinity under the Walsh-Healey bill as including 13 States.

Mr. BARTON of New York. Summing it all up, I believe we have now and can congratulate ourselves on having a reasonable, intelligent, and cooperative Administrator who appreciates the problems of both employer and employee. For this reason I favor adopting the conservative amendments recommended by the committee and giving him another 6 months or a year to deal with such individual situations as can be ameliorated by changes in the regulations and definitions. At our next session the Administrator, who, under the act, is directed to make recommendations from time to time to the Congress, may have discovered certain other ways in which the act can be perfected and unnecessary hardships and criticisms removed. But such changes, I believe, will be minor. Neither the next session of Congress nor any session will be willing either to repeal or undermine this legislation. It has commended itself to the social conscience of our people and has even in these few months been cheerfully accepted by the overwhelming majority of forwarding-looking employers throughout the land. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. WOOD].

Mr. WOOD. Mr. Chairman, I believe this issue is very clear in the minds of most Members. We have now come to a time when we can vote either to destroy the Fair Labor Standards Act or preserve the law in its present form.

In order that the record may be clear and so there will be no misunderstanding as to where the American Federation of Labor stands on this measure, I desire to state that I am just in receipt of a letter from Mr. Hushing, the national legislative representative of the American Federation of Labor, which encloses a copy of a letter that President William Green wrote to the gentleman from North Carolina [Mr. BARDEN]. The letter of Mr. Green reads as follows:

A study of the amendments which you have proposed to the Fair Labor Standards Act leads me to write you and frankly state that most of the amendments you propose are highly objectionable to the American Federation of Labor.

For instance, one amendment to the Fair Labor Standards Act which you propose provides that all wage earners who earn $150 per month would be excluded from the provision regulating the hours of labor which is embodied in the Fair Labor Standards Act.

Such a provision is economically unsound because at the present time most thinking people agree that the number of hours worked per week must be lessened if we are to overcome widespread unemployment. We must distribute the amount of work available among a larger number of people. That objective can only be realized through a reduction in the number of hours worked per day and per week.

The section which provides for the incorporation of the 44-hour week in the Fair Labor Standards Act cannot be regarded as unreasonable. It provides a uniform, standard workweek for all who are subject to the provisions of the law. If we are to exempt a large number of workers from this provision of the Fair Labor Standards Act, we will suffer indefinitely from unemployment.

It is my opinion that the Fair Labor Standards Act should at least remain as it is. Time will demonstrate the soundness of the provisions of this social-justice statute. It has only been in operation about 1 year. Sufficient time has not yet elapsed in order that we might test the soundness and practicability of the regulatory provisions of this act.

I wish to register in behalf of the membership of the American Federation of Labor and in the name of the American Federation of Labor our opposition to the amendments which you offer to the Fair Labor Standards Act.

Mr. Chairman, I also have a letter from the Railway Labor Executives' Association, which reads as folows:

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Chicago, Ill., April 19, 1940.

DEAR CONGRESSMAN: The Railway Labor Executives' Association composed of the 20 standard railroad labor organizations, representing approximately 1,000,000 employees, is unalterably opposed to H. R. 7133, and some of the outstanding reasons are:

This bill practically destroys the real spirit and intent of the original scope to protect the lower paid and also to reduce excessive hours. In our railroad employee groups are approximately 90,000 who receive less than 40 cents per hour—certainly not a decent American wage standard.

To enact the provisions of H. R. 7133 into law will tear down every vestige of progress made under a law which, in any event, has as yet not been thoroughly tested by experience.

Sane reasoning always justifies allowing experiences to govern. Our association has found itself in vexing and unreasonable positions again and again by some one or groups advocating something new or different prematurely, and in all such instances opposition and defeat of these movements have served to the best interests of the vast majority.

The Railroad Retirement Act, for example, has had many amendments offered to it, some meritorious and others detrimental, but since the meritorious amendments offered were completely overshadowed by those obnoxious and of greater evil than good, the correct position to take has been, and with success, to await time to learn from a fuller experience the correct avenue to follow to keep the Railroad Retirement Act whole.

Fair logic convinces us that the viciousness of H. R. 7133 leads in the direction to destroy rather than to constructively build and improve on that now in effect.

We urge that H. R. 7133 be defeated and that you will use your good judgment to accomplish that purpose.

Very truly yours,

J. G. LUHRSEN,
Executive Secretary.

The question has been asked, Why should we not include the farmers in this legislation? The Members of this Congress know that all social legislation passed by any State in the Union or by this National Congress affects the industrial worker. The agricultural workers are always exempted, because it is not intended to cover agricultural workers. There have been some very brilliant assertions made on the floor of this House in behalf of the farmers of this Nation, but I am sorry that those same impassionate speeches could not be made when the question comes before us of parity prices for farmers, low-interest rates, and legislation enabling farm tenants to purchase farms and homes. I have not heard any of those impassioned orations when such legislation was being considered by the House. I have not received one single letter from a farmer in my district in opposition to the Fair Labor Standards Act. The farmers who are talking about it belong to that type of farmer who farms the farmers.

Here is a letter I have from the Federal Cold Storage Co., of St. Louis, and I have hundreds of letters from like institutions. The letter reads as follows:

My advice is that the Barden bill, H. R. 7133, may come up for consideration in the near future. It is urged that this bill amending the Fair Labor Standards Act of 1938 be favorably acted upon for the benefit of the individuals and companies engaged in the handling and marketing of agricultural and horticultural products.

These are the people that an effort is being made to exempt from the operations of this law. If the Barden bill is passed, it will exempt from the operations of this law probably one million and a half workers now under the law. There will not be a packing house in this Nation or a processing firm or milk producer under the law. The Borden Milk Co. and many other similar companies will not come under the law. There will not be a single one of those manufacturing institutions under the law, and a million and a half workers will be deprived of the benefits of the Fair Labor Standards Act.

The Labor Committee endeavored to arrive at some reasonable amendment to this act, because there was a hue and cry for amendment; but the Labor Committee went further than I wanted to go, and I will say to you that I cannot support this bill. I cannot support either the Barden bill or the Norton bill, because they have allowed home work to creep into this law, and by an amendment they have legalized that dastardly system of sweating by allowing the Administrator, by order or regulation, to investigate home work in so-called rural communities; and if it be found that the elimination of home work curtails work opportunities, the Administrator is authorized and empowered to issue an order allowing home work to be done, a thing we have been fighting to eliminate in this country for the past 40 or 50 years.

I cannot see any reason for the adoption of either bill. The committee bill, the so-called Norton bill, extends the hours of some million and a half workers. The main object and reason for the passage of the Wages and Hours Act was to raise the standard of living and to spread the work and to eliminate unemployment. There is no other reason for reducing hours of labor from 44 to 40 hours a week or from 54 to 40 hours a week except to spread employment.

Now, here is the type of farmer who is affected by this law, and they are really not farmers. They are processors rather than farmers. I have in my district several processing institutions that have contracted with their employees and the hourly provision in the wage agreement is in accordance with the limitation of the Wage and Hour Act, but it provides that in case the Wage and Hour Act is repealed or processing institutions exempted from the operations of the law, then the hourly workweek will automatically be increased to 54. There are three such wage agreements that I know of in my district that affect some 700 or 800 employees that have never before been able to sit down across the table and negotiate with their employers for a wage agreement. So, if we relax the hourly provisions, we will merely create more unemployment, and we will force an additional burden on a million and a half or two million workers who are now being protected.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. WOOD. I yield to the gentleman.

Mr. HEALEY. Does the gentleman think that white-collar workers receiving $150 a month ought to be exempted from the hour provisions of the act?

Mr. WOOD. I do not think the so-called white-collar workers, just because they are called white-collar workers, should be exempted, whether they receive $150 or $200 a month. The bank clerks and many other so-called white-collar workers are among the most sweated people in some instances. There is no industry that requires its employees to work longer hours than some bankers require their bank clerks to work. They should be privileged to be protected by this Fair Labor Standards Act.

Mr. HEALEY. Just one question further, if the gentleman will permit.

Mr. WOOD. I will be pleased to yield to the gentleman.

Mr. HEALEY. And such an exemption would defeat one of the purposes of the act, namely, the spread of employment, would it not?

Mr. WOOD. Of course, it would. I am glad the gentleman contributed that. The main purpose of the Wage and Hour Act is to spread employment, to bring more enjoyment to those underprivileged, and raise their standard of wages to somewhere near a living wage.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. ZIMMERMAN. I live in a district where there are small banks, and I do not think any bank has much more than $100,000 capital stock. I have a great number of young men who have entered the banks with a view of learning the banking business who have told me that under the operation of this law they did not have the opportunity of learning the business, but were required to do a specific job, which they were employed to do. They stated to me that unless this law was changed they would have to go out and find something else to do, because there was no future in banking if you are going to post a machine all of your life.

Mr. WOOD. Oh, that is a stock argument that I have heard for 20 years before I came here, before the Missouri State Legislature, when we were going to pass a woman's 9-hour law. Since that time we endeavored to pass a woman's 8-hour law. Invariably the manufacturing associations, the State chambers of commerce, would bring a number of women to the legislature who would beg to be allowed to work 9 hours a day, and they would also say that if they passed this 9-hour law it would destroy their business. They have been working 8 hours for the past 7 or 8 years and they are still doing business at the same old stand.

Mr. ZIMMERMAN. I bring this point up, not because it is a stock argument but because young people in my district have come to me and called attention to it and they have protested against the regulations which prevent them from making progress in banks. That is the only reason that I mention it.

Mr. WOOD. I would not be so seriously opposed to that amendment standing alone.

Mr. ZIMMERMAN. I am very glad to hear the gentleman say that, but to pass that amendment together with the homework proposition and the relaxing of hours of the workweek, relaxing the law for a million and half workers in processing industries, would be wrong. To require them to work more than the required workweek under the law is wrong, and we should not encourage home work.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SACKS. Is it not true that after all, these arguments are merely subterfuges by those who would like to destroy the principle behind the legislation?

Mr. WOOD. They are merely subterfuges.

Mr. SACKS. Which the employers are merely setting forth because they do not want that principle established, but they want to go back to the old days where they could control the hours and the wages and everything else.

Mr. WOOD. I would say to the gentleman that a great many employers in my district who were in opposition to the wage and hour law before it was enacted, are now in favor of the law. Many of the garment manufacturers in my home town and in other places in the district, and other manufacturing institutions, have come to me and have said that this law is a benefit to them, because it has enabled them to compete with cheaper districts in the South and other places, and it has enabled them to carry on their business and now they are for the Fair Labor Standards Act. They are the very same manufacturers who wrote to me 2 years ago saying they were against the law. They are importuning me to protect the law as it is.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I think I can speak on this bill probably as a man closer to the soil than most of the men here. Speaking of exemptions from the wage-hour law, Puerto Rico, I notice, shall have a complete exemption under the proposed legislation. That has been made possible, I understand, because of a $150,000 lobby. It so happens that the farmers in the Federal Land Bank of Baltimore are also carrying along Puerto Rico. This is unfair. We can find the answer to our problem in the application of just plain common sense.

I am very happy to know how many friends farmers have here on this floor who live in the heart of the great cities.

I wonder how many of them ever stood around a cannery in the evening with a load of corn, peas, beans, or tomatoes when the whistle blew to find that they had to let their load stand there, go home, and come back the next morning to find that the load of produce had heated or the tomatoes rotting, and take heavy dockage, which was a serious loss.

I wonder whether they know that we farmers harvest only once a year.

I wonder if they know how light tomatoes are when they sell for $1 a bushel and how heavy tomatoes are when they sell for 10 cents a bushel.

I wonder how many of them ever had cattle or hogs in the stockyards on a Monday when the run was double the normal run, to find that the wage and hour law prevented a packer from buying more than he could use; to have their livestock lying around at the yards for several days until the packer could adjust himself and use them and find that they had a heavy charge for corn at $2 a bushel, or hay at $40 a ton, regardless of market price. To find that they had a terrific shrinkage in weight, and, in many cases, particularly in hogs, some deaths, until the packers could take them at $1.00 per hundredweight near the week end.

These things could be amended by minor amendments to this law.

An exemption in the hours would help here.

Then there are thousands and thousands of piece workers, particularly in the cigar industry, who always work on a piece-work basis. If they had an exemption on wages the fast worker would have the privilege of really going ahead and the slow worker would have the opportunity to keep at his job and off of relief.

Area of production has always been a thorn in the flesh. No one seems to know where to draw the line.

Here, again, the application of common sense would help.

These farm commodities are generally the property of the farmer until—as in the case of milk it goes into the bottle; and in the case of livestock it goes into the cooler; and in the case of farm crops when they enter the package or state in which they are finally passed on to the consumer. It then leaves the farmer's care and his interest and becomes a commercial product, and its entire status changes and then, and only then, can it enter into any kind of a market and transaction without affecting the farmer.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I have not the time. Secretary Wallace is tremendously interested in this bill. Why was he not interested last summer when we were threshing our wheat and selling it at 60 cents a bushel? When we farmers wanted to hold it he was shouting surplus and urging us to sow less, and killed our beliefs that we could get more, and just as soon as it passed out of the farmer's hands we saw that price advance. Today wheat is selling above a $1 a bushel—when the farmer has none to sell.

Now it does not make any difference under what administration or what rule a farmer loses money. He is just simply licked.

I remember when I put 6,000 pounds weight on a bunch of steers and sold them for $40 less than first cost. That was under Hoover. But I remember that in 1937, when the New Deal had pegged up the price of beef to where the consumer began to squeal and we farmers had loaded up with fat cattle, that at the instigation of the Department of Agriculture here in Washington a meat strike was declared and 5,000 butcher shops closed in New York in a single night, and we lost again.

Now, it does not make any difference whether a farmer losses $1,000 under a Republican administration or whether he loses $1,000 under the New Deal. The cold fact exists—he is licked.

What the farmer needs today is encouragement and an opportunity to produce, and the American market.

When times are hard and prices are low the farmer does not put into effect the John Lewis method of striking. He has a lot of fixed obligations to meet. He is an honorable man, and the lower the prices get the harder he works, the more he plants in order to meet his obligations. Knowing full well that it does not get him a single dollar to put in the bank, but just to keep his credit good so that he can look his creditors in the face and feel happy.

It is not the Department of Agriculture or the New Deal that keeps the farmer in his job. It is his abiding faith in God—his loyalty to the Government—his love for his work, and the eternal hope that next year will be better.

If the farmer was not kept at his work by these high motives, he and America would starve.

The Labor Committee, of which I am a member, operated for many months under a determination to do nothing. And refused to hear the appeal of the agricultural leaders of the country. More time was spent listening to the lobbyists for the New Deal—paid employees of the Government, who claim that their calendars were so full that they needed increased personnel to catch up. They always had time to crowd the Labor Committee and help the leadership to stagnate our work.

How well I recall that the leadership of the committee declared that no bill could go out of the committee before that "pack of wolves"—meaning this House.

There is no man in this House that believes more in labor unions than I do. There is no man in this House that wants to see the American working man receive higher wages any more than I do. But I want those same opportunities afforded to the farmers of this country.

I know that $1.50 a day is not enough for the working man. But here again I would employ common sense, and if it is the case of $1.50 a day or nothing, then I am for the $1.50.

These workers in our canneries that work a few weeks or a few months each year are not concerned about hours. They are usually occupied at some other things most of the time and look forward to this opportunity each season to earn money on the side to pay their winter's coal; buy shoes for the children, or pay rent, and so forth. And while we are told that they are sacrificing, they are willing to sacrifice in order to get that. These are honest, hard-working people, good at heart, and willing to make what they can and resent being interfered with or this privilege taken away from them.

The application of just plain common sense, a few minor amendments to the wage and hour law, will remedy the evils that I have referred to.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. CRAWFORD. I point out in connection with the gentleman's statement about Puerto Rico that Puerto Rico has about 1,800,000 people down there, and that in the last 5 or 6 years the Treasury of the United States has forwarded $160,000,000 to that island. There are probably 250,000 workers who are out of jobs today. The Wage and Hour Act put about 70,000 people out of work. You will either let the Puerto Ricans work for themselves or feed them from the Federal Treasury and place the burden on the backs of the farm people of this country. Which does the gentleman want to do? The lobby had nothing to do with that. The Congress of the United States failed to carry out its duty to the Puerto Rican people.

Mr. GROSS. I was in Puerto Rico last fall and I do not believe all the money we could appropriate, whatever we do, will help those people.

Mr. CRAWFORD. Let them go back to work and help themselves and quit feeding them out of the Treasury of the United States.

Mr. GROSS. That is right.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mrs. NORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. BRADLEY]

Mr. BRADLEY of Pennsylvania. Mr. Chairman, I am sorry there has been so much sectionalism introduced into the debate on this bill. I deplore the fact that the gentleman from Georgia [Mr. Cox] yesterday discussed the pending legislation from a sectional standpoint. I do not intend to say anything that would in any way inject any bitter sectionalism into the debate upon this bill. There are too many Members of this House from the same section of the country as the gentleman from Georgia who have been kind and generous to me in my associations with them as a Member of this House. Too many of them have given me their friendship to permit me to say anything that would give personal offense to them. The chairman of my own committee, the Naval Affairs Committee, Mr. VINSON, is from the same State as Mr. Cox, and he has been more than kind in extending cooperation with regard to matters of interest to the people of my city and my district.

Secondly, I do not think this is a sectional issue. We have as many chiselers in the industries of Pennsylvania as there are in any other State in the Union.

I must, however, pay some attention to the remarks of the gentleman from Georgia [Mr. Cox] when he discussed the political complexion of this House in his speech of yesterday. He said the House was composed of Republicans, Democrats, and so-called Democrats. I infer that he places those of us who defend the wage and hour legislation in the classification of "so-called Democrats." I do not know what claim he has that his democracy is more simon pure than ours. I know that I and many of my colleagues from the eastern industrial States have been Democrats for years in districts where it was impossible for us to seek political office with any chance of success.

The gentleman from Georgia [Mr. Cox] has been a Member of this Congress for some 15 years. I do not want to quarrel with him about his democracy, but I wonder if he would have been a Democrat if he were geographically situated differently during those 15 years. I wonder if, for instance, his democracy would have stood the test the same as ours has, when we were willing to battle for the ideals and principles of Jefferson and Jackson, knowing that we had no hope during those years of reaching a position wherein we could look for reward in holding political office, because there was no chance of our being elected to one.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. No; not now. I think perhaps because the philosophy of the gentleman from Georgia is so much different than ours, if he were in our locality, perhaps he might have found that his views were more in sympathy with those who control the Republican Party in our State. If so, he would find himself in the company of Mr. Pew and Mr. Grundy, president of the Pennsylvania Manufacturers Association, who is a bitter opponent of wage and hour legislation; and if he found himself in the political company of those men he would, I fear, have to accept all their philosophy, too.

Mr. COX. Will the gentleman yield to me?

Mr. BRADLEY of Pennsylvania. Not at the moment. The gentleman had an hour yesterday. I have only a few minutes.

Mr. COX. I was wondering if the gentleman assumed to speak for Pennsylvania democracy?

Mr. BRADLEY of Pennsylvania. I am speaking for my own democracy and the democracy of many of my colleagues from Pennsylvania, and it has stood a more severe test than has the democracy of the gentleman from Georgia [Mr. Cox]. [Applause.]

I am not going to discuss this thing along sectional lines, because, as I said, there are just as many chiselers in Pennsylvania as there are in Georgia, North Dakota, North Carolina, or anywhere else in this Nation. If there were not, we would not need any enforcement agencies in the State of Pennsylvania. God knows, we need more inspectors and investigators to prevent these exploiters from chiseling in Pennsylvania than we now have. That is the reason why I favor the wage and hour law; why I view with apprehension any attempt to emasculate it in order to return to the conditions which existed prior to its passage. I want to tell you ladies and gentlemen of this House that you make a mistake if you think the sentiment of the people of this country, no matter whether from the East, the South, the North, or the West, is not for the wage and hour law. The Gallup poll of a year ago showed that 71 percent of the people of the United States approved of the Wage and Hour Act. It showed that 56 percent of the employers were in favor of it, and showed that 59 percent of the people in the southern part of the United States favored the wage and hour law.

The Barden amendment is designed to help agriculture. I do not question the motives of the gentleman——

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. Not now.

Mr. SCHAFER of Wisconsin. On the Gallup poll; the gentleman is wrong.

Mr. BRADLEY of Pennsylvania. I only have 10 minutes, I do not think so. I have correctly stated the Gallup poll on this question.

The amendments of the gentleman from North Carolina are designed, he says, to aid agriculture. I do not wish to question his motives, but you and I know it is merely going to open the door; it is going to throw it wide open.

It is going to lead to emasculatory amendments or to amendments that will nullify many of the provisions of the present act. I ask you men and women of the House, Democrats and Republicans, to face the situation squarely whether you favor 30 cents an hour or whether you favor a return to conditions which enable the exploitation of employees and the forcing of men and women to work for longer hours and at wages of 5, 10, and 15 cents an hour. I hope the answer of the membership will be that this Congress will not turn the people back to these wolves but that they will be allowed to have the continued protection of this beneficial law, that industry in all parts of the country will be on an equal basis and that all employees will receive fair consideration.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield if I have time.

Mr. KEEFE. Does the gentleman favor the enactment of the Norton amendments?

Mr. BRADLEY of Pennsylvania. There may be certain of the Norton amendments which have merit. I believe the Norton amendments should be discussed on their own merits, each and every one. I certainly do not favor the Barden amendments. There may be some necessary changes that we should make with regard to certain provisions of the wage-hour law, but we should approach it with the idea of ironing out the known difficulties that exist and not with the intent of allowing conditions to revert to their former state where exploitation was rampant in certain industries.

Mr. KEEFE. I agree with the gentleman's philosophy, but can he point out what there is in the Norton bill that he objects to specifically?

Mr. BRADLEY of Pennsylvania. I have not said I object to anything specifically. The gentleman asked me if there was any merit in the Norton bill.

Mr. KEEFE. I asked the gentleman if he favored the Norton bill.

Mr. BRADLEY of Pennsylvania. At the present moment I cannot say that I favor each and every provision of the Norton bill, but as the debate goes on and I hear different provisions explained I may be influenced one way or the other. I want to be fair, but I want to see the law continued in

operation because it has brought good to the low-paid workers of this country.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield.

Mr. SACKS. Yesterday in the debate the impression was given to the House that business, little business, was opposed to the wage-hour bill and to the Fair Labor Standards Act. Is that true?

Mr. BRADLEY of Pennsylvania. That cannot be true because I have received more communications from businessmen in my district emphatically saying that they favored the wage-hour law than I have from labor organizations. And these have come from many men who originally had stated their opposition to it. They have seen its beneficial effects, however, and are now giving their active cooperation, and they have united with labor in supporting it.

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, this matter has been threshed over pretty thoroughly. I shall not attempt to begin at the beginning and follow through with what might be termed an "orderly discussion of the whole issue," but later will call your attention to certain things which I think stand out in this controversy. At the risk of being charged with bad taste in bringing in my own personal experiences—let me say that my business is farming—and with a little better luck than I have had the last 6 or 7 years, I hope to stay in it the rest of my life.

I have watched these industries engaged in the processing of agricultural products for 40 years. It has fallen to my lot to be deeply interested in them, because I sell products to them in my home neighborhood. When the proposal was first made that we should have a so-called wage-hour law, I doubted that it could ever be successfully enforced or applied evenly to the whole United States, regardless of the character of the vocations in which people are engaged. There is such a remarkable difference between the method of life in the country and the method of life in the city and in the industrial centers that I doubt if it is possible for any legislative body to draft a law which will place all of those vocations and occupations in a single strait jacket. My dread from the beginning of this discussion, which started about 3 years ago, was that the attempt to enclose all these people, all these groups, all these communities in a single strait jacket would develop conditions unexpected and inflict injury in places which most people did not realize could be injured by the enactment of the law.

There can be no doubt about it that the Congress, when it passed this act, intended to exempt from its provisions what I might term "the country industries," the industries in the rural districts, or closely adjoining the rural districts, engaged in the processing of agricultural products. The language of the act made perfectly plain the intent of Congress. It provided, in effect, that the act shall apply—

> To any individual employed within the area of production as defined by the Administrator engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for markets or in making cheese, or butter, or other dairy products.

Most of you are familiar with the interpretation made by the Administrator of the phrase "area of production." He defined it in effect as meaning the farm upon which the agricultural products were produced. If the plant at which the man was employed was not situated on the farm upon which the crop was produced, then the plant should not be exempt. That, of course, completely destroyed the intent of Congress. I think no one will deny that. It denied the whole exemption with one stroke of the pen, and the Members will remember that when that interpretation was announced protests spread throughout the country districts and reached many Members of Congress, and many Members from both sides of the aisle hastened to Mr. Andrews' office to endeavor to point out to him the intent of Congress and how his interpretation absolutely destroyed it. Hearings were held before him or some of his examiners, but no ground was gained apparently until finally an amended interpretation was brought out. I shall not read it all to you, but it is headed "Area of production as used in section 13 (a) of the Fair Labor Standards Act," and it proposes to exempt from the operation of the law a person if he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment shall not exceed seven. Of course, again, that denied exemption to any establishment worthy of the name. If they must be down as low as seven employees, then I could not find an establishment within 20 miles of my farm that could handle the crops I want to sell to them and have processed. What the number of employees has to do with area of production passes my comprehension. The Congress did not say anything with reference to the number of employees as the guiding rule, but he makes it the guiding rule. If the plant employs eight men it is subject to the law. If it employs less than seven it is not. As a matter of fact, you cannot find plants worthy of the name that operate with so few employees.

I greatly regret that the Congress or the men interested in this matter should find it necessary to bring before the House a piece of legislation like the so-called Barden bill. The author of that bill and those who helped him have perforce tried to make up a list or catalog of those avocations or industries, great or small, which shall be specifically exempt under certain circumstances. The author of the Barden amendment had to have recourse to that type of bill because apparently no matter what the Congress intended in the original act, the Administrator does not intend to admit it. He just throws it out. He has done it twice. That is perfectly apparent. So while some of us may regret, as I do, the procedure under which we are acting, those of us who are convinced that this thing is doing a great injury, and certainly doing no good anywhere upon the face of the earth, and I refer to these rulings, have no other recourse; thus we have to bring to you a list of these industries engaged mostly in the processing of agricultural products and ask you specifically to exempt them under certain circumstances. So much for the cause of all the disturbance. The whole disturbance, if I may say so, or nearly all of it, has been caused by the Administrator. I dare say that the author of this bill was just as much surprised as I was by his interpretation of the words "area of production."

Mr. PATRICK. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Alabama.

Mr. PATRICK. Does the gentleman feel that the Barden amendment defines "area of production" or does the thing which gets away from the necessity of defining "area of production"?

Mr. WADSWORTH. The Barden amendment does not refer to any "area of production." We do not dare do so. The Administrator has destroyed it twice by his interpretations; so we have abandoned any effort to use the phrase "area of production." The Norton bill, I notice, uses a most peculiar phrase that some of these people shall be exempt from the operation of the law if the products are processed "immediately off the farm." Who in the heavens knows what that means? What is "immediately off the farm"? I do not know. I suppose 1 foot away, perhaps 10 feet away, perhaps the adjoining farm only, not the second adjoining farm. Nobody can tell.

Mr. WOOD. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Missouri.

Mr. WOOD. Does the gentleman believe there is any method by which you can define "area of production"?

Mr. WADSWORTH. Yes.

Mr. WOOD. I would like to have the gentleman's views on that.

Mr. WADSWORTH. I had not intended to go into that.

Mr. WOOD. We have been unable to do it or to arrive at any conclusion in the last 2 years and I would like to have the gentleman's views on that.

Mr. WADSWORTH. I had not intended to inflict this on the Committee. I really preferred to omit it in the interest of brevity but on June 13, 1939, I took it upon myself to write a letter to Mr. Andrews, Administrator, protesting against his first interpretation of the term "area of production," and after reciting the act as it stands, including the phrase "area of production," I went on to say:

Omitting any discussion of your exemption of persons employed in plants with less than seven employees, which exemption has nothing whatsoever to do with area, but rather the mere size of the plant, let me take up for discussion as briefly as possible the meaning of the phrase "area of production," and the intent of the Congress in using it.

The debate in the House of Representatives, held at the time when the matter of exemptions was before that body (May 24, 1938, CONGRESSIONAL RECORD, pp. 7401 to 7423) is illuminating in the extreme. A reading of that debate makes the intent of the supporters of the exemption and, finally, of the Congress itself in enacting it, perfectly clear. Several amendments relating to the exemption of persons employed in plants, processing agricultural products of one kind or another, were offered upon the floor. While these particular amendments were not adopted, nevertheless the language in which the exemption was expressed in the final enactment of the bill carries out almost exactly the intent of the amendments considered in the House, so that the explanation of those amendments during the House debate and the contentions of their supporters throw a very clear light upon the intention of the Congress in finally enacting paragraph 10 of section 13a.

Let us see what the Members had in mind when they offered these amendments, and what the Congress had in mind when it finally approved the contention of these same Members by enacting the language of paragraph 10. Member after Member, in referring to conditions prevailing in country districts, explained the intimate relationship which must ever exist between the farmer who produces and the neighborhood plant which processes certain products of the soil. While it was not contended that the farmers in any way own or control the neighborhood plant, it was pointed out again and again that governmental regulation of the plant would and must have an immediate and direct effect upon the farmer. The customs and practices of the farmers, and the customs and practices of the plants, the subjection of both to weather conditions, the fact that the work of both is seasonal, were all pointed out. Moreover, labor conditions in the plants were described in some detail and the near impossibility of the regulation of hours of labor (including overtime) pointed out. All of these amendments and the pleas of their supporters were based upon the contention, first, that there is no need whatsoever, from the standpoint of good public policy, to include these country plants under the provisions of the act; and, second, that their inclusion would be highly injurious not only to the plants but to the farmers themselves. In adopting the language found in paragraph 10 the Congress very clearly intended to exempt the typical country canning factory, refrigerator warehouse, milk plant, bean-picking plant, and similar rural institutions now in existence and serving in the normally and generally understood way the men who till the soil. In using the words "area of production" the Congress envisioned a stretch of country from which the farmer normally, and in obedience to his necessities, hauls his crop to the plant where it is to be processed. The picture which the Congress had in mind can be found in the rural areas all over the United States. The picture is essentially that of a neighborhood, and when the Congress used the phrase "area of production" it used it as descriptive of the circumstances and conditions with which it intended to deal. That this picture has not been envisioned by the Administrator, that this intent has not been recognized by him, is a matter of great surprise to all of us who took part in those discussions in the House. It has been more surprising to me, due to the fact that my business is farming; that I raise sweet corn and peas, and sell them to the neighboring factory; that ordinary common sense drives me to the conviction that my farm, upon which the sweet corn and peas are raised, is situated in the area of production surrounding the plant. If my farm is not in the area of production, where is it?

I do not know. It does not make any difference how many men are employed in that little factory up there. Of course, there are more than seven men employed. It makes no difference how many men are employed. The question is, Is the factory in the area of production of the goods? The Administrator could have gone around this country, region by region, with no reference or attention paid whatsoever to the number of people employed in a plant, and he could have described the regions by metes and bounds, or in some other way. Finally, after experience, running perhaps over some few years, he could have worked out a reasonable interpretation of what "area of production" was, instead of which he destroys the whole thing above the seven-man limitation.

I have done my best to give you my ideas as to what the definition should have been. I have answered the gentleman's question to the best of my ability. May I proceed with an attempt to show the practical effect of this thing?

In the first place, let the men who live in the great cities and industrial centers get it out of their heads that there is any sweat-shopping in these country plants. There is no such thing as sweat-shopping there. There is no such thing as chiseling or oppression of labor. How do these plants run? There are five canning factories in the valley in which I live. They can peas, sweet corn, tomatoes, carrots, beets, spinach—yes, spinach—succotash, and lima beans. The plant that has run the longest over the past 10 years has averaged only 20 weeks a year, 20 weeks out of the 52. The average of the remaining four is only 14 or 13 weeks a year. There is no sweat-shopping about it. The conditions of labor are exceedingly healthy. Most of the work is done in open-sided sheds. The work is not heavy. Nearly all the heavy work is done by machinery. If you ever go through a vegetable-packing plant you will see that uncanny machinery does nearly all the work.

The time comes, however, when a crop becomes ripe. The sunshine has been bright and hot for a couple of days. The superintendent of the factory, who must be an expert on the condition of crops as well as an expert in the management of the plant, sends word to me, "WADSWORTH, we will have to have your peas cut and brought to the factory by day after tomorrow. They are getting ripe, and they must not go beyond day after tomorrow."

What do I do? I have to hustle. Perhaps I have to hire a couple of extra trucks. Those peas are mowed with a mowing machine and pitched green on the truck and hauled to the factory. Twenty to fifty other farmers get the same message. Obviously the factory cannot schedule them on a 40-hour week. It cannot be done. There are times, 2 or 3 days in a week, occasionally, when they have to go beyond the normal workday, and everybody in the factory understands it. They are all country people. They know that the sun and the wind and the rain are our masters. They make no complaint about working overtime. They rather welcome it, because they get more money in their 14 weeks' period of work. There is nothing oppressive about it. And it has to be done.

Would any opponent of the Barden bill insist that agriculture itself go on a 40-hour week? Think it over. Can anybody run a farm on a 40-hour week, doing no work at all on Saturday or Sunday and only 8 hours on the other 5 days? Let us not be silly. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Chairman, being a member of the Labor Committee since 1933, I have served with Billy Connery through the hearings on all the acts which have been enacted. The Labor Committee at that time, the same as today, at least certain members, feel the same way, that the act should not be amended. I realize that there are certain portions of that act which could be corrected, but with the attitude of the House what it has been shown to be just a little while ago, in cutting down the appropriations for enforcing this act, I personally cannot see any reason why we should not vote down not only the Barden amendments but all amendments.

The act itself has not had time to prove where the inequalities are. Industry, of course, wants the act to be emasculated, that is, certain portions of industry. They not only have not complied with the act but they have carried cases to the Supreme Court, and when they lost there they have still refused to comply with the act.

Only last Saturday, April 20, a headline in the Washington Times-Herald stated very plainly—

Brutality laid to Ford firm by N. L. R. B. aide—Union men beaten and threatened, he says.

The Washington Post, in a headline the same day, stated—

Ford chiefs fought unions, aide tells N. L. R. B., charging "brutality"—Examiner urges rehiring of two after Dallas hearing.

At the bottom of the article appear certain questions which were put to the attorneys of the Ford Motor Co. and some of the men who are in charge of the plant. They are as follows:

Question. What do you mean, "Gave them a working over"?
Answer. We would whip them; beat them up.
Question. With what?
Answer. Put the fear of God in them, as they put it.
Question. What would you whip them with?
Answer. Some with fists, some with blackjacks.
Question. Anything else?
Answer. One or two of them we whipped with a regular whip we had made out of rubber with cord and some of them—one of them—was whipped according to whether we thought he could take it or not, with brushes off of trees, limbs.

Then at the end of the article is a statement by the Ford attorneys.

Mr. Chairman, I happen to have the Ford motor plant in my district. I happen to know certain things about their service department. First, when this act was enacted, the Ford Co. organized a company union. That did not work out.

In answer to the attorneys from Dallas, Tex., who are defending the Ford Motor Co., I will state that when this act became law one of the first companies who refused to abide was the Ford Motor Co. They attempted to organize a company union, which, of course, the law forbids, and then they organized another union called the Liberty League, which was organized by Judge Leo Schaefer, who did all of the attorney work for this organization, under the direction of Harry Bennett, of the Ford Motor Co.

During the campaign last fall, when the judge was running for reelection, there were many rumors circulated that he organized the Liberty League, and where did the money disappear? It has also come out through the campaign that the money was handled by Harry Bennett's brother, and about $90,000 was supposed to have disappeared. This alone shows what the Ford Motor Co. has attempted to do as far as the act is concerned.

Harry Bennett heads the service department of the Ford Motor Co. and many of his service men are disbarred attorneys, convicts, and anyone who could be used to intimidate labor. These men are used to spy on the workers, and if any of them attend a political meeting which is not to the liking of the Ford Motor Co. or Mr. Bennett, they are discharged from their employment by merely being told that their department is being shut down and that they will be called back to work later, but they are never called back. They even go to the extent that if a man attended a labor meeting, they would immediately brand him a Communist, and if a man carried the name of Communist in the Ford Motor Co., he is unable to get a job anywhere else because the employment departments of other companies interchange their data on their employees.

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Mr. Chairman, this is not the Wagner Act or the National Labor Relations Act, it is the Wage and Hour Act, and labor is not divided on this act. The American Federation of Labor and the C. I. O. are against the Barden amendments to this act.

Before we begin to destroy the Wage and Hour Act let us forget about the leaders of our great labor organizations and think about the millions of wage earners in America. We jump on the poor American wage earner that makes 30 cents an hour. If you reduce these low-wage earners' pay 5 or 10 cents an hour, you will reduce farm income just that amount. It is impossible for him to buy many farm products at that wage scale.

It may not be consistent to have a wage and hour law when our American laboring men and farmers have to compete with cheap foreign labor. If I had my way, they would not have to compete with cheap foreign-made goods.

We lend millions to foreign countries to buy our goods. Most of these loans are never paid back. Why not spend some of these millions in solving the unemployment problem? We have from ten to twelve million unemployed today. At this rate, it will not be long until we will have fifteen or twenty million unemployed.

We should begin at the source of the unemployment problem. We should see that the youth of our land has the opportunity to become a skilled or semiskilled worker. This is one way to raise incomes which, in my estimation, is sound educational philosophy combined with economic sense.

Why jump on those poor workers who are only getting three square meals a day? Why not find a way to care for the other millions that are undernourished and ill-clad?

I would like to read you just one paragraph about the Norton amendments, which to my mind will take care of the agricultural situation. It sets forth in detail the operations in connection with the movement of agricultural and horticultural commodities from the farm, including their preparation for market, which are to be exempt from the hour provision of the act. This exemption is limited to 60 hours a workweek unless overtime compensation is paid except that for a period of 14 workweeks such hours exemption is complete and the 60-hour workweek limitation is inapplicable.

Indiana canners of fruits and vegetables would be placed at a serious disadvantage with respect to their competitors in Maryland, Virginia, and other States if the Barden bill should pass, as the canning industry in these States had a considerably lower wage scale prior to the Fair Labor Standards Act than prevailed in Indiana. It is to be expected that these substandard wage levels which prevailed prior to the act will be reestablished should this bill, granting complete exemption from the act's wage standards, became law.

Examples: Indiana canned tomatoes compete for a market with tomatoes canned in Maryland, Virginia, and Texas, and other States. Indiana cannery workers averaged more than 29 cents an hour in earnings in 1938 prior to the effective date of the act (October 24, 1938) as compared with 23 cents in Maryland, 17 cents in Virginia (1939) and 20 cents in Texas (1939). More than 92 percent of the Maryland tomato-cannery workers earned less than 30 cents an hour in 1938 as compared with 45 percent in Indiana.

Farm labor is exempt as long as the farmer engages in farming. The question here is whether a farmer is a farmer when he works in a canning factory or in an industrial concern. The strawberry farmer is exempt from the bush to the platform, and I would like to give my interpretation of "immediately off the farm." By "immediately off the farm," according to my opinion, is meant that the farmer would be allowed to cultivate and produce his goods and to pack them, take them to the packing plant, and, if a dozen farmers wanted to get together and pack the apples or pack the peaches or pack anything else, they would have that right under this law.

There is another question involved in all three bills, and that is the question of Puerto Rico. We grant a special exemption to Puerto Rico for wages and hours. Is it a discrimination between the farmers of Puerto Rico and the farmers of America?

Most of the canning people I have talked with are satisfied with the hour exemption, and they will stand for the wages.

The farmers in America today have to compete with W. P. A., which is on a higher scale than the Wage and Hour Act.

A situation that may come up in our district next year is this: Take a glass manufacturing concern, as an example, that works four 6-hour shifts, 7 days a week, making a total of 42 hours a week. That comes under the wage-hour provisions today, but next year if they change it back to 40 hours, there should be some leeway in the glass-manufacturing industry.

It is impossible to solve the farm problem by repealing the Wage and Hour Act. In my opinion, if you want to help the American farmers, you will preserve the American markets and let him alone and let him run his own business. [Applause.]

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. LANDIS. Yes; I yield.

Mr. AUGUST H. ANDRESEN. I am glad to hear the gentleman make that statement, but the way the laws are being

administered today, our farmers are being compelled to compete with cheap foreign labor that does not have any wage and hour law and, consequently, our farmers are being destroyed when they are forced to operate under the laws that we have in this country. I believe the gentleman will also agree that in addition to that protection, if we can get it, we should see to it that they have laws under which they can live and successfully operate in this country.

Mr. LANDIS. I thank the gentleman for his observation. I also believe, to be consistent with the wage and hour law, we should have a tariff to protect the American employer and the American farmer and the American employee against 25 cents a day labor in Japan or other foreign countries. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I now yield to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, in the past 7 years, under the Roosevelt regime, many constructive, progressive, and humanitarian laws have come into existence. One of these is the Fair Labor Standards Act. I take great pride in the fact that I had the opportunity of being one of the members of the Labor Committee who reported the measure to the House for consideration. I was happy when I learned that President Roosevelt had signed this bill. I was happy because I knew that such an act would go far in abolishing child labor and sweatshops throughout our country. Ever since its enactment, efforts have been made to change the act in order to give many big corporations exemptions from the law—in other words, permit them to operate their factories at a slave wage. The minimum wage—30 cents an hour—which is now provided in the act for employees is, in my opinion, insufficient compensation, nevertheless it has laid a foundation on which a permanent structure can be built. Prior to the enactment of this law it was known that many industrial establishments throughout our Nation paid as low as 5 and 10 cents an hour to their employees. These conditions were outrageous, especially in a country like ours, where there is a great abundance of everything that is necessary to promote the welfare of mankind. I do hope that instead of exempting people from this act that we will be able to perfect it by increasing the wage scale to that point where every man and woman who is required to labor for a livelihood will obtain an adequate wage.

Mr. RAMSPECK. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I am opposed to the Barden amendments.

They strike at the very heart of wage-hour legislation, which has for its purpose the setting of reasonable hours at reasonable wages in all industry.

The Barden amendments would strike out the working-hour limitations, and make it possible for an employer to work his employee any number of hours in a day without paying the overtime specified in our present wage-hour law. They would prevent that wider spread of work for which we are striving in all of our legislation.

Before coming to this session, I spoke with representatives of some of the large canning industries in my section.

In line with other enlightened employers, certain canners have worked out schedules so that they are able to operate on a 40-hour-week basis, except for a period less than 16 weeks each year, when they must work overtime in order to take care of perishable products. The present wage-hour legislation permits this necessary exemption.

As long as the wage-hour board sees fit to allow such necessary exemptions under the present act, together with present area of production regulations, these employers have nothing to gain by any such amendments as those proposed in the Barden bill.

The canners further advise that they have consistently paid higher wages than are required under the present wage-hour legislation. The minimum in one plant is 40 cents an hour. The average is 50 cents.

No matter what action is taken by Congress, these employers will not voluntarily go back to lower standards because they have proved to themselves that a fairly paid worker, laboring reasonable hours is a better investment than a poorly paid workman laboring excessive hours. They also have an interest in seeing that a maximum number of people in their communities are employed.

What the Barden amendments would do to all progressive and enlightened employers is easy to understand. It would place them in direct and ruinous competition with other less scrupulous canners in other sections who would have no hesitancy in taking every advantage of their exemptions from provisions of the Wage and Hour Act.

This is the situation in my district. It is much the same in regard to the entire State of Ohio.

The minimum wage rate required by the Wage and Hour Act is 30 cents an hour—while the act provides for the advance of this rate in 1945 to 40 cents an hour, there is no unconditional requirement that the higher rate be paid. It will not be required where the Administrator and industry committee find it to be burdensome.

In 1938 and 1939, the Women's Bureau of the United States Department of Labor made a survey of the wage rates prevailing in the canning industry. The results of this survey which are set forth in the Appendix of the RECORD, page 2265, show conclusively that the passage of the Barden bill would place Ohio canners of fruits and vegetables at a disadvantage with respect to their competitors in other States, where, prior to the Wage and Hour Act, wages were lower than in Ohio.

For example, in 1938, prior to October 24, the effective date of the law, workers in Ohio tomato canneries earned an average of more than 41 cents an hour.

Workers in New York, New Jersey, Maryland, Iowa, Indiana, and Illinois averaged from 5 to 11 cents less than Ohio workers. And no Ohio worker in the tomato plants covered by the Women's Bureau survey earned less than 30 cents an hour.

Other important tomato-canning States which compete with Ohio are Virginia, Wisconsin, Texas, and Florida, where in 1939, when the 25-cent rate was in effect, the average wage of tomato cannery employees was 17 cents, 27 cents, 20 cents, and 22 cents, respectively.

More than 15,000 workers are employed in the canning industry in Ohio. Other important industries, employees of which would be exempt from the act under the Barden bill, are the beet-sugar industry, the dairy-products industry, the poultry handling and dressing industry, and the livestock handling industry.

The State of Ohio and other States which are paying decent wages should not be made to suffer the loss of business to low wage competitors in other States.

The fact that the average hourly wage for tomato-cannery workers in many States in 1939 was considerably less than the 25-cent rate which the law required at that time either shows that the law was not being properly enforced or that the area of production exemption as defined by the Administrator is already excluding too many workers from the benefits of the act.

The Barden bill adds further confusion and infinitely worse discrimination to this already beclouded field.

In paragraph (F) on page 5, it seeks to exempt all seasonal or perishable canning operations from both hours and wages, but the drafting is so awkward that it falls far short of doing so.

If the Barden bill were limited to the packing of perishable or seasonal commodities alone, it is my understanding that some 35 percent of all foods canned would still be subject to the law. This would include the so-called dry lines and fabricated products. It is this 35 percent which is not subject to the whims of nature, but whose packing can be controlled by the canner.

So the wording of paragraph (F) puts, roughly, half of the perishable canning in the exempt class and the other half in the nonexempt class. Such a result has no reasonable justification.

Wholly apart from the question of whether such exemption should or should not be afforded, I think all will agree that no exemption should be written which would be dis-

criminatory in its effect. I am satisfied that to make the test of any proposed exemption dependent upon what is done in some other place, at some other time, is unwise and unfairly discriminatory.

To summarize, I believe that a bill which jeopardizes our aim of greater employment considerably hampers the efforts of those honest employers striving to realize this aim, and paves the way for uncontrolled discrimination in the matter of wages and hours is manifestly unjust to both employer and employee. I believe, Mr. Chairman, the Barden amendments should be defeated. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. RAMSPECK. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. KERR].

Mr. KERR. Mr. Chairman, the administrative Division of the wage and hour bill should be given more discretion in the promulgation of rules and regulations to meet the many problems involved in the enforcement of such a measure. The purpose of this legislation is fundamentally sound, but it is impossible to measure every case and problem with one standard yardstick. I shall support the Barden amendments because I am convinced that certain activities which involve the farmer and his income and which are seasonal and apply to certain areas should be exempted from this act, or such discretion given the administrators as to allow rules and regulations to be made in reference to these activities which would prevent unjust and foolish requirements.

I shall briefly call your attention to one of these unjust requirements under the present construction of this law. A small merchant living near my home in North Carolina, who owns some pine forest and who wished to have same cut and corded for sale to a pulp mill, contracted with local labor to cut same for so much per cord. Some of his employees, who were much more diligent than others, cut and corded much more wood and, of course, he settled with them, paying for the amount of the cordwood cut. The Wage and Hour Administration sent its representative down to see this merchant and told him he was violating the law and that he should determine the time engaged in cutting this wood and pay his labor 30 cents per hour, and also check his invoices and charge these laborers no profit on merchandise they had bought at his store during the time they were engaged in the performance of this contract. In other words, that the merchant and landowner had no authority to contract with this labor for the performance of a duty, and was compelled to pay the worthless labor the same price that he paid the diligent labor, if he works the same period of time. I recall another instance where a landowner contracted with a small sawmill operator to cut some timber owned by the landowner at so much per 1,000 feet. It was cut and the landowner sold and delivered it to a planing mill in his vicinity and in the State of North Carolina. Whether it was transported out of the State of North Carolina there is no way to ascertain except that the planing mill often shipped its products in interstate commerce. It is contended, I am informed, by the administrators of the Fair Labor Standards Act of 1938, that this landowner is equally liable for the wage hire of the laborers employed by the mill owner who cut this timber at the rate of 30 cents per hour and can be penalized if he fails to make good the schedule hour price under this law. Of course, this compels many hundreds of farmers, as well as small ground sawmill operators, to stop their operations and correspondingly many hundreds of willing laborers go upon the relief rolls.

The value of labor is determined not only by the time engaged but also by the result obtained. A competent laborer is worth much more than an incompetent one, and to attempt to standardize their pay by a work-hour only is unfair to a large percent of the labor as well as to the employer.

There should be vested in those who administer this act some discretion to meet and deal fairly with various circumstances which arise in our complicated industrial life. Those who are interested in the agricultural prosperity of this Nation have a right to demand that this industry should not always carry the financial burden which assures success for every other business. If you require that higher prices be paid to nonexpert and indifferent laborers who process our wheat, our corn, our dairy products, our tobacco and cotton, and various other agriculture products, then this cost is reflected in the diminution of the farmer's prices, and he alone pays the cost. I shall protest against this unfair and indefensible treatment as long as I remain in Congress. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, the House is now engaged in the consideration of one of the most serious domestic questions which has come before the Congress during this session; namely, proposed amendments to the Fair Labor Standards Act. The rule adopted for the consideration of this question permits action on three measures which seek to amend the so-called Wage and Hour Act. Under this unprecedented rule, one set of amendments, the so-called Barden bill, comes before us without ever having been acted upon by the standing committee of the House which has jurisdiction over such matters. It is to this bill that my remarks are addressed because I believe that its provisions are destructive of the basic principles of the wage and hour law. In addition to sweeping exemptions from the protection of the act, the Barden bill provides for changes in administrative procedure which would cripple the effective operation of the Fair Labor Standards Act.

In the self-assumed role of defenders of the "traditionally free American farmer," a logrolling combination of lumber operators, canning and packing interests, and dairy-product processors are seeking, through the Barden bill, to deprive over a million American workers of the protection of the wage and hour law.

It would appear from the broad contentions of the proponents of the Barden bill that an intolerable burden is imposed upon American industry by the wage and hour law. Let us consider what is roughly the sum total of the protection provided by this act to the American worker. The law provides for a minimum hourly wage of 30 cents and a maximum workweek of 42 hours. If the worker is employed for the full week, he is guaranteed that he must be paid a minimum of $12.60 for 42 hours of toil.

It is estimated that, under the Barden amendments, over a million workers will be deprived of the protection of the wage provision and over a million and a half workers will be denied the benefits of the hour provision. And let me point out, in this connection, that in most instances these processing workers do not enjoy year-round employment but only employment of a highly seasonal character, and in many cases the work is only of a few weeks' duration.

It should be noted that the law already specifically exempts agricultural workers from the terms of its provisions and the farmer is in no sense subject to the present law. However, I believe that the American farmer has a very vital interest in defeating the Barden amendments. Any loss of purchasing power by the masses of the American workers directly curtails the farmer's market for his products. The class of workers sought to be excluded by this bill spends, according to statistics and estimates, half of its pay in purchasing agricultural products and any loss in his income is immediately felt by the farmer whose products he can purchase in only reduced amounts. The farmer, therefore, stands to lose as much by this assault on the protection afforded by the Fair Labor Standards Act to his brother in the industrial plant as does the industrial worker himself.

The purpose and net result of these amendments will be to exclude from the protection of this law great masses of workers who are employed in the advanced stages of processing and preparing for markets agricultural products. These persons work in establishments that are essentially industrial in character. Their problems and conditions of employment are virtually in all respects equivalent to those of any other factory worker. Throughout these establishments

run the conveyor belts and the assembly-line technique which is characteristic of modern industry and manufacture. In no substantial sense can these workers be considered as having anything to do with farms or with the actual process of farming. It is impossible to find any reasonable line of distinction between these workers and persons engaged in work on any other normal factory assembly line.

In the *North Whittier Heights Citrus Association case* (109 F. (2d) 76) the Circuit Court of Appeals for the Ninth Circuit used the following language:

> When the product of the soil leaves the farmer, as such, and enters a factory for processing and marketing, it has entered upon the status of industry.

It would seem, therefore, that there is no sound and substantial reason for discriminating against these persons and denying them the safeguards of the act. On the contrary, it seems clear that they are the persons who are most in need of its protection; and I believe the real question involved in the Barden amendments resolves itself into this: Is $12.60 a week too much for over a million American families to subsist on?

Yesterday the gentleman from Georgia [Mr. Cox] occupied the floor for over an hour after the previous question on the rule had been voted down. He attempted to defend the extraordinary, unprecedented, and autocratic action of the Rules Committee in bringing a bill before this House for action which had not received full consideration by the proper committee and for which no rule had been asked by a vote of that committee. This arbitrary and arrogant usurpation of the functions and prerogatives of a standing committee of this House was motivated solely by the desire to effect emasculation and destruction of the wage and hour law. The gentleman—for whose ability I have the highest regard—injected into the debate a sectional issue, and stated, in effect, that established industrial sections have attempted, through legislation of this type, to stifle the industrial growth of the South. I cannot believe that the abolition of the sweatshop and starvation wages is a sectional question or that the people of the South are less concerned with the elimination of the evil than are the people of the rest of the Nation. Yesterday I asked the gentleman whether it was his contention that the development of industry in the South depends upon cheap wages and long hours. The gentleman replied:

> Well, I want to say to you that your sections of the country have certain advantages that make it impossible for us to compete with you on an absolutely even footing, and you are undertaking to take away from us the natural advantages that we have.

Mr. Chairman, since the Fair Labor Standards Act seeks only to abolish the exploitation of labor on starvation wages, unconscionably long hours of work, and sweatshop conditions of employment, it is fair to assume that these are the "natural advantages" to which the gentleman refers.

I cannot agree with the gentleman that the future of Southern industry—or of industry in any section of the Nation—is inextricably bound up with unconscionable labor standards. I am inclined to believe that the people of the South as well as the people of other sections of our Nation would class such conditions as a liability rather than an advantage—a blight rather than a benefit. Certainly such conditions cannot be considered as an advantage to the million or so employees who are sought to be denied the protection of this act by the proposed amendments. I doubt that the employers in the South who maintain decent standards consider sweatshop competition as an advantage. And it is difficult to see how any community benefits by an industry which is unwilling to pay its workers a wage sufficient to provide the barest means of subsistence. Certainly it cannot be said that a weekly wage of $12.60—which is the minimum wage established under the terms of this act—constitutes any more than the absolute minimum necessity to sustain life, if, in fact, it amounts to even that. It seems to me that an industrial establishment which is unwilling to pay the barest sort of living wage is a scourge to the community in which it locates—tending to pre-empt genuine progress and development in that community because it got there first.

New industries are developing in the South which will bear an important and integral relationship to our national economy. The industrial interests of the North, South, East, and West are not in conflict. Each of these sections enjoys certain natural advantages which will enable it to fill an industrial function which is complementary to those of other sections and not antagonistic to them. Sweatshop conditions, starvation wages, and labor exploitation have no rightful place in any section of this great Nation and constitute an evil which should not be tolerated by the people of our Nation.

It is generally recognized that the most serious defect in our national economy is in the failure of purchasing power to keep pace with the productive power of our Nation. This is one of the major causes of unemployment and was the principal cause of the disastrous economic collapse of 1929. There was no lack of ability to consume the products of industry and agriculture in this country, there is only an inability to buy those products. It is recognized that the primary need of American economy is a restoration of the power of the American people to purchase the products of the farm, mine, and factory. The problem of unemployment as well as all other economic problems hinge on this fundamental problem—restoration of the power of the people to purchase what they produce.

And yet these amendments run directly contrary to that need. Their direct result is to reduce the purchasing power of approximately a million persons now employed, persons whose wages go directly into the economic channels of our Nation because they are necessary to purchase indispensable products of the farm and the factory.

If this initial assault is successful, I believe that a full-fledged offensive will be launched on all fronts, having for its objective the complete destruction of the protection furnished by this act to American labor and to American purchasing power. This will be the beginning of a campaign to unleash again upon American industry the sweatshop, labor exploiter, and saboteur of purchasing power.

In the American market, the decent employer would be forced to meet the competition of the sweatshop and it is doubtful that he could do so without engaging in wage cutting. Any widespread wave of wage cutting would be disastrous to American industry, and I hope that it will not be the sense of this House to say to the American people that America is destined to go backward.

Mr. Chairman, the development and the future of America lies ahead and not behind. The greatness of America lies in her determination to develop and progress toward better things and toward a better and more abundant life for her people. No worse enemy to the future existence of American democracy exists than the extreme economic reactionaries—the bitter-end defenders of the practices which led up to the collapse of 1929. Even the most casual glance at contemporary history will demonstrate that democracies have tottered and been swept aside whenever they failed to keep pace with the changing needs of industrial civilization—whenever they have neglected to provide for the economic welfare of the masses of their peoples. Under the lash of economic need and distress, peoples have been lured by demagogic promises of economic security into surrendering their liberties to dictatorial systems of government. It was provided by the founding fathers in the preamble to the Constitution that our Government should provide for the general welfare of our people and on the faithful observance of this admonition rests the security and future of our democracy. The prevention of necessary reforms, the road back to the practices prevailing before 1929, is the road back to obsolescence and decay. History has not been kind to obsolete governments and economic systems and the scrap heap of history is strewn with their remains. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, it is no more reasonable for those who oppose amendments to this act to charge those who offer amendments with seeking to strike down the $12.60 per week minimum or to charge them with being in favor of sweatshops than it would be for those of us who advocate amendments to charge that our opponents belong to the same class and were the same kind of people as are those labor racketeers, two of whom have recently been sent to jail.

Neither those who favor amendments to this act nor those who oppose all such amendments are getting anywhere by questioning the motives of the opposition. I do not know of anyone in this House who has advocated the theory that $12.60 per week was too much to pay for 1 week's labor. I do not know of anyone in this House who advocates the continuation of the sweatshop; yet every time an amendment is proposed to this law, those who propose it are forced to meet the unjust, the unfair, and the unreasonable charge, made by inference at least, that they are seeking to lower the minimum wage of $12.60 per week; that they are in favor of the sweatshop; that they believe in denying to labor a living wage.

If I understand the proposed amendments correctly, none is directed toward the lowering of the minimum wage; none is directed toward any provision that makes possible the sweatshop. All amendments to which I have given any consideration are supported with the idea of making the law workable; toward making it easier for the employer to pay a living wage; easier for the employee to earn a maximum; all are directed toward creating a more friendly relation between the man who receives the wage and the man who pays that wage.

One proposed amendment in particular would make it possible for an employee to take time off one day, or one week, and make it up the next without demanding that he be paid for time and a half for the overtime while making up for time lost a previous day or week.

Today the gentleman from Pennsylvania [Mr. BRADLEY] stated that he regretted that yesterday the gentleman from Georgia [Mr. COX] had injected the issue of sectionalism into this discussion. I have no desire to have that issue brought in, but you cannot discuss this question without discussing the manner in which the law operates on all those who fall within its provisions. It is futile to take up and consider the law as it applies to only one class. The law in its operation affects the farmer as well as the industrial worker and it is pointless to ignore its effect upon the farmer. I would like to take up for a moment where the gentleman from North Carolina [Mr. BARDEN] left off.

One of the purposes of this law was, of course, to increase the wage of the industrial worker. That was sought to be accomplished not so much by establishing a minimum wage as by the limitation of hours and the requirement of time and a half pay for overtime. Let us see now how it affects the farmer, and I recall the words of the gentleman who said that under the law a farmer was a farmer only when he was working on the farm. I believe the gentleman from Indiana [Mr. LANDIS] made that argument. He stated further that the farmer could not be a farmer when he was processing his products. The gentleman forgot, of course, that sometimes a farmer converts hogs into hams, shoulders and side meat into sausages, sowbelly into bacon, cabbage into sauerkraut, milk into cheese, and so on down the list.

Going back now to the argument of the gentleman from North Carolina [Mr. BARDEN]. He told us about lettuce. Let me give you an illustration on how the apple grower becomes an industrial worker subject to the provisions of this law. Thirty years ago on land which my grandfather cleared from the forest I set out 1,500 apple trees. Every year those trees have been trimmed, they have been sprayed, and when necessary they have been cultivated and fertilized. For the last 10 years the men who did the trimming, who did the spraying, who did the picking and the packing, were paid more than the minimum wage and some years received in addition their living on the farm.

When those apples were picked and packed they went to the market. Those who handled the apples under the present ruling are industrial workers, although the farmer or his boy or the hired man drew them to market. I recall a season not very long ago when some of those apples went to the city of Detroit from which comes the gentleman who spoke a moment ago. Four hundred bushels of No. 1 apples, in baskets, went down there. They had been picked at my expense, they had been packed and were hauled to market. For the 400 bushels came back a check—and mind you they got my baskets too—a check for $5.55. That experience can be duplicated all along through the history of the farming occupation or industry, and I shall be glad to show any Member of the House the account of that farm where over a period of 10 years not one single dollar has gone to the owner but always there has been a loss. And we did not count out of the income anything for depreciation, or anything for insurance, or anything for interest on the investment.

Why is there no profit there? The moment the apples left the farm, what happened? They went into the hands of a truck driver to get them into the city of Detroit or to some other market, or into a packing house or a storage plant. You had to pay $50 membership in a union before your apples could roll along the highway. You had to pay dues and assessments before the fruit could be hauled over the highways, and when they got into the city of Detroit or the city of Chicago they had to be unloaded. Although the farmer or his boy was on the truck, they had to be unloaded by a union handler, and you had to pay the man who took them down there on that truck time and a half if he worked more than the hours prescribed by the bill. And the man in the packing plant or warehouse was drawing a wage several times greater than the return received by the owner of the farm or fruit, and if he worked overtime, then he received a wage and a half for overtime. So you see where the money went—the money that was finally paid to the farmer for the product was but a small percent of the selling price.

Once before I called your attention to a farmers' cooperative located in the little hamlet of Hamilton in my home county. They send to the Chicago market by truck what would amount to between two and four carloads of eggs every day. The trucks get down to Indiana and at New Buffalo, and they change drivers because of the length of the haul, yet it is not over 175 miles from Hamilton to the Chicago market. They operate two trucks. This means four drivers and means a union driver if you want to get into Chicago and union membership of $50 each, or $200 a year, with union dues of $5 per month each.

When the eggs get to Chicago they must be unloaded by a union man, they must be recandled, mark you, by a union candler, although they have passed State and Federal inspection the day before in Michigan, and the farmer must stand the cost of $1.10 an hour for the recandling, and he must pay for the transportation. And if the candlers or anyone connected with the marketing of his eggs works overtime he must pay time and a half no matter how much the man lays off during the preceding week, no matter how many days he is idle; if there is overtime in any one week it must be paid for at the rate of the usual wage plus one-half additional. Every man who touches those eggs from the time they leave the farmer's coop, or even while they are in the farmers' or cooperative packing house, receives a wage far in excess of the amount the farmer realizes for his toil and in addition to that, the overtime provision of the law applies to all those who handle the farmer's products and for that overtime he pays at the rate of time and a half.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. O'CONNOR. If we were to exempt the class of labor the gentleman is now speaking about why should not those engaged in the transportation of these products from the farm to the market be likewise exempted as they participate in getting the products from the farm to the consumer?

Mr. HOFFMAN. My argument is that never by legislation are you going to equalize matters of this kind. Tell me, if you please, why the man who drives the truck to take the

produce of the farm to market, the produce on which the farmer makes a wage of less than 10 cents an hour—every man who handles that produce from the day it leaves the farm until it is consumed—should receive 3, 4, 5, or 10 times the wage or return or compensation that the man who produces the food itself receives?

I can sympathize with the argument that the wage of the man in the factory or the industrial center should be raised; but until you fix the price that the farmer is to receive for his product, where is the justice in the legislation which, for example, in the motor industry in Detroit gives an average worker 90 cents per hour, while the farmer receives an actual cash return for his labor of no more than 10 cents per hour. You speak of increasing employment by shortening the hours and thus give more men jobs, though the total number of hours worked is no greater, but what about the farmer, who has no minimum working day, no minimum working week, whose hours are not and cannot be limited?

The argument that the farmer is benefited by paying a higher wage to the industrial worker as by so doing the purchasing power of the worker is increased and the farmer's market broadened and his price raised sounds well but it does not work out that way. If to the legislation which raised the wage and shortened the day and the week of the industrial worker you added a provision requiring him to spend his increased wage for farm products, there might be something logical in the argument. But when the increased wage goes for radios, shows, amusement, vacations, and things of like nature, all in themselves desirable perhaps, neither the price of corn, wheat, pork, beef, nor dairy products is raised nor are more consumed.

Not a man in this House but who knows that the wage of the average industrial worker is far greater than that of the average farm laborer; be he owner or hired man.

If by legislation, we are to increase the wage or the income of any one group then why not follow the process through to its logical conclusion and fix the minimum price of the farmer's products so that he, too, shall receive a minimum wage; work no more than maximum hours. If the industrial worker is to receive no less than 25 cents an hour, in many cases far more, and if he is to work no more than 40 hours a week or as some now demand, 30 hours per week, why not extend the law and say that no farm product shall be sold at a price less than will give to its producer, the farmer, a wage of not less than 25 cents per hour, based on a working week of 40 hours?

Under such a procedure, what do you figure the price of butter, milk, meat, or bread would be? Is there any logical reason why because a man works in a factory where he is protected from heat, from cold, where he has sanitary surroundings, where provisions are made to protect him from dirt and industrial hazards, and where he receives an average wage, let us say, of 50 cents per hour, the farmer, who works through winter's cold and summer's heat—out in the rain, the sleet, and the snow—who follows the plow or the harrow through the dust and the dirt, not 6 hours a day, not 8 hours a day, 5 or 5½ days a week, but 6 days a week; who does his chores not during 30 hours a week, nor 5 or 6 days a week, but through 7 days a week—why he should not receive a minimum wage and work no more than a maximum of 40 hours per week?

Yes; let us do away with sectionalism and, if we cannot treat the man in the country who earns his bread in the "sweat of his face" as we do the man who lives in the city, let us at least remedy those unfair provisions of this legislation which have to do with time and a half, which compel the payment of a wage and a half for any hours worked over a certain number. Shorten the hours which a man may work, if you wish, but do not under the guise of shortening the workweek permit him to work more than the 40 hours per week and then compel his employer to increase his wages by half for all the overtime and at the same time deny a like wage to the man who toils just as hard and just as faithfully on the farm. Let us label the bill, if we want to be candid, as a bill to increase wages and not pretend that it is one to shorten the hours and let us extend the benefit of the act to every man who works, if that be the purpose of the law. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. HARE] such time as he may desire.

Mr. HARE. Mr. Chairman, I do not share the opinion of some that either of the proposed amendments will materially affect the wage and hour law, as applied to industry. The Norton and Barden amendments apply primarily to agriculture and both attempt to clarify the "area of production" as defined by the Administrator of the Wage and Hour Division in the Department of Labor.

Practically everyone agrees that the definition limiting the area of production to a 10-mile radius is wholly unwarranted and the law should be amended to clarify this matter. The Administrator, Colonel Fleming, testified before the subcommittee on appropriations for the Department of Labor that it would be a great relief to him if Congress would make some amendments clarifying the law. The proposed amendments would apply particularly to small canning factories, small sawmills, and so forth. They make no reference whatever to textile or other industrial enterprises, and they will not be affected should either of the amendments be passed.

The theory upon which this legislation was predicated was to protect the health of employees in industrial plants, eliminate what is known as the sweatshops, prevent unfair and unjust competition among employers, and provide for a living wage in industry. Congress did not include agricultural labor in the law and did not intend to make the law applicable to those small activities closely associated or directly connected with agriculture, and so stated in the act, but in an effort to give the Administrator some authority to make rules and regulations for the enforcement of the act, it apparently gave him legislative authority which has made a crazy quilt out of the affair as it relates to various rural activities or those directly connected with agriculture. The amendments before us are for the purpose of correcting some of the difficulties found in an effort to administer the law with reference to these small rural activities; as I understand, they do not really amend the law; they simply restate the law and attempt to make clear, definite, and certain what Congress intended to do at the beginning. However, this problem could have been solved much easier by exempting all these rural activities engaged in handling farm products where the number of persons employed therein is 25 or less, because the working conditions there do not impair the health of anyone, there are no sweatshops in these small plants, there is no unfair competition or chiselers to amount to anything, and there is nothing fundamental to be gained by their inclusion.

Everybody admits that the Administrator's interpretation of the law as applied to the "area of production" has caused a number of small plants engaged in handling and processing perishable farm crops to go out of business and to that extent has reduced employment, both in the plants and on the farms where the crops were formerly grown. I have no particular preference between the Barden and Norton amendments, but I see no reason why one or the other should not be passed and thereby afford employment to those formerly employed in these plants, and the farmers in the vicinity thereof be justified to again begin the production of those crops usually processed locally, such as beans, peas, strawberries, asparagus, and so forth. There is also a provision in each of the amendments that will give some relief to the small saw-mill operators and it is hoped they will be able to renew their activities and furnish added employment.

It has been argued here today that to adopt either of the amendments will emasculate the law. Such an argument is absurd for, in my opinion, with some few amendments the law is here to stay. However, like other new and untried legislation, clarifying and perfecting amendments will necessarily follow from time to time to meet changing conditions and promote the interest of those involved.

I have in my congressional district between 35 and 40 cotton mills, a few garment factories, and a small number of hosiery mills. About one-third of the population is represented in these industrial activities and a little more than one-half in agriculture. So far a great many of the people interested in the textile business have been agreeably surprised at the successful operation of the law as applied to this particular industry. It has removed much of the unfair competition that formerly existed between employers over widely distributed areas and has in a measure been of considerable benefit to the average employee. The cotton mill business, if reports are correct, is more active today than any time in history. Most of the complaints have come from the small saw-mill operators and those rural activities engaged in handling and processing farm crops. It is true, there has been some complaint on the part of employers and employees in the application of the law to beginners and learners in industrial plants, but sincere and honest efforts on the part of those charged with the administration of the law should result in a satisfactory solution of this problem. However, there is a problem which commands the most profound and careful consideration of all interested parties, especially in large industrial plants where it is relatively easy to substitute machine power for man labor. It is not only important from the standpoint of the physical welfare of the employee but becomes a vital factor in the solution of the unemployment problem.

When industry installs new and high-geared machinery in a plant where one person is required to do the work of two and the other laid off, the economist refers to such a situation as "technological unemployment," but the employee calls it the "stretch out" system. This is the greatest unsolved problem in industry today. It is not a new problem and, although it may be accentuated thereby, it cannot be charged primarily to the operation of the Fair Labor Standards Act, because it has been a growing problem for the past quarter of a century and, in my judgment, will be an ever-increasing problem until some definite voluntary or legislative action is taken looking toward its solution. It is a problem to which I have given most careful and thoughtful study for the past 15 or 20 years, and it is a matter which probably should have been taken into account when the original act was being considered.

I do not know that I have a perfect or even a workable formula, but it is my thought and prediction that the next outstanding amendment to the existing law will provide that when any employer subject to section 6 of the Fair Labor Standards Act employs as many as 50 or more persons, it will be unlawful for such employer to diminish the number of his employees or the hours thereof as a result of the installation of new and improved mechanical equipment, except where a reduction of hours will not operate in a reduction of the daily or weekly wages of such employees, and it is my further impression that when such an amendment is presented it will carry a provision requiring that upon the installation of such equipment the wages of the operators thereof shall be increased in proportion to their contributions to the added market value of the increased output resulting from such installation.

I have some doubt whether such an amendment would be germane to either of the amendments now before Congress for consideration, and a point of order would, therefore, lie against it, but I want to make the suggestion as a matter of record so that employers and employees may give careful study and consideration to the matter in the hope that an amendment satisfactory to all interested parties may be agreed upon or, if possible, a solution may be reached without further legislation.

I do not share the idea of some that the practice of installing new machinery is primarily for the purpose of exploiting labor, although the result may be the same. On the contrary, the practice can be attributed to the inventive genius of the modern mind and the desire of efficient business to increase production and at the same time decrease the cost per unit by mass production. This is not only true in industry but it is also true in agriculture, the blacksmith shop, and other activities. However, there is one difference in practical application. For example, when a farmer buys a tractor or grain drill he does it with the idea of increasing production and decreasing the labor load. In industry there is generally increased production or a better product, but invariably the labor load is increased, the principal criticism being that the wage of the employee is not increased in proportion to his contribution to the increased value of the finished product.

If there had been efficient planning boards for the past 25 years, there is little doubt but what plants would have been sufficiently enlarged to take care of all employees where modern machinery has been installed, the wages of employees would have increased in accordance with their contributions to the value of the finished product, and such amendment would not have become necessary.

Of course, we all recognize the continued possibility of further inventions and a continued practice or policy of installing such machinery or equipment with the idea of increasing production with a decreased production cost per unit. This is a natural and logical economic policy in any highly competitive industry such as found in the textile business. However, the interest of the employee should not be ignored and the purpose of such an amendment is not to prevent the use and installation of new and improved machinery but to see that the employee, who has spent years and years in developing his technical skill, is not thrown out of employment and required to seek work in other fields or activities. On the contrary, this amendment has for its primary purpose the retention of such employees because, by reason of their highly developed and technical training, they should be retained in order that they may not only capitalize on their experience but that business itself may not lose their efficient capacity for increased production. It is as much to the interest of industry and the economic welfare of the Nation to retain those who have developed a capable and efficient technique after years of training and experience as it is to install new and improved machinery.

It will be observed that this suggested amendment does not in any way penalize the employer by preventing the installation and use of improved mechanical equipment, but only provides that in case such equipment is installed there should be a sufficient increase in the plant to prevent or obviate the necessity of reducing employment. We can see the possibility of machinery becoming so proficient that an employee by reason of his increased experience and skill will be able to increase his daily output of production with a possible decrease of effort. However, if the theory on which the law is predicated or based proves to be successful in every way, both to employer and employee, the practice provided for in this amendment should be followed, whether it be voluntary or in response to law.

The suggested amendment provides further that in case new and improved equipment should be installed and as a result thereof the employee should be able to increase his daily output of production, then it is only fair that he should have his proportionate share of the added value of such increased production, and his wages should be increased accordingly.

In other words, this amendment provides that if an enterprise feels that it can economically purchase and install improved machinery it should enlarge its activities or business sufficiently to obviate the necessity of reducing the number of employees and thereby take care of the people who have developed a high degree of proficiency in their work. Furthermore, if by the installation of such mechanical equipment, the output of production per employee is increased, his earning capacity or productive power has necessarily increased, and he should be compensated proportionately. That is, his wage should be increased in proportion to his earning capacity or productive power. This is reasonable, fair, and just, and legislation should not be necessary, but in order to obviate the possibility of one or more enterprises failing to follow such a practice and thereby

being able to unfairly compete with other employers, we feel the policy should be made applicable to all alike, and for this reason I have suggested this amendment. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the Resident Commissioner from Puerto Rico [Mr. PAGÁN].

Mr. PAGÁN. Mr. Chairman, I arise to support the bill under consideration, as it refers to the amendment applicable to Puerto Rico. I regret that in the time allotted to me I am unable to bring before the House the peculiar conditions of Puerto Rico. First, I shall state that I myself am a labor man. I stand for labor, and, in fact, I have devoted about 20 years of public life in my island struggling and fighting for the common people, for a fair deal to labor, endeavoring for higher standards of living and welfare for the workingmen. We would feel happy if all our laborers could earn wages averaging $1 or more per hour, but under the circumstances, considering the deplorable conditions of Puerto Rico, its unemployment and poverty, we support the amendment to the Federal wage and hour law.

In the consideration of amendments to the wage and hour law Congress should have in mind the peculiar conditions of Puerto Rico as compared with conditions in the mainland United States.

Puerto Rico is a very thickly populated country; in fact, the most densely populated area in the whole United States and one of the most thickly populated countries anywhere in the world. A small island covering an area of only 3,600 square miles, has a population of nearly 2,000,000 inhabitants. Only very highly industrialized countries, as Belgium or England, have so crowded a percentage of inhabitants per square mile.

And Puerto Rico is essentially and predominantly agricultural. Of the 2,000,000 total acreage of land, only about 800,000 acres are practically cropland suitable for agriculture. We are very scarce in raw materials, and have no timber, nor petroleum, iron, or any minerals producing income for the island and employment for the people. Unemployment in Pureto Rico is our main problem, is chronic, is practically a plague. According to official statistics, over 400,000 workers are now unemployed.

The main crop and source of income and employment is sugar. Even sugar, in agriculture in the cane fields and manufacture in the factories, is seasonal, providing work for the people only during a few months in the year.

Due to the sugar-control program of the present administration, which fixed to Puerto Rico a standing quota for production of sugarcane and sugar, about 100,000 workers who usually earned their living in the sugar industry are idle. And over 50,000 more would be affected in their jobs by the enforcement of the present wage and hour law, which practically would force the sugar industry to bring in labor-saving devices, putting many people out of work.

Our major and nonagricultural industry in late years has been needlework and embroidery, to which industry the present wage and hour law has affected mainly. This industry employed about 70,000 workers. The wage and hour law had put away from their jobs about 45,000 workers, who are now really starving. This needlework industry of Puerto Rico is really peculiar. It can be said it is foreign, as compared with industries in continental United States, because the competition to our needlework industry comes from foreign countries, all or most of them under lower standards of living and paying very low wages. If the wages for the industry are so that they do not attract manufacturers, they simply go out and give income and employment to people of foreign countries. Our competition is foreign labor. The wages for our workers in the needlework industry depend on the selling price of similar goods imported into the United States. This factor, in fact, has limited the growth and expansion of our needlework industry.

Gen. Hugh S. Johnson, as Administrator of the National Recovery Administration, studying the peculiar conditions of our needlework industry, made a striking report, which, in part, reads as follows:

> The selling price of products are not regulated by mainland prices alone; buyers in an effort to obtain attractive products have opened to them factories of other countries. * * * If the prices of Puerto Rican products are raised excessively, it well may be that buyers will quickly be driven to the factories of other nations for source of supply. * * * In the meantime, manufacturers in the Philippines and China suffer no such handicap and are profiting at the expense of Puerto Rican labor.

Due to certain trade agreements of the United States with foreign countries, goods of this needlework industry, in competition with our industry, have been imported into the United States from foreign countries and sold at similar prices, paying wages which figured between 3 and 4 cents per hour. With this foreign industry we have to compete.

Taking in consideration these factors, especially the competition with foreign industry under low wage scales, and considering the grave problem of unemployment in Puerto Rico, we have been favoring any amendment similar to that contained in Mrs. NORTON'S bill, adequate and convenient for conditions in Puerto Rico. Supporting it, I close my remarks by reproducing the report rendered last year accompanying said bill—H. R. 5435—which in part reads as follows:

> Industries in Puerto Rico and the Virgin Islands now operate under many economic disadvantages not common in the United States. Per unit costs of production aside from labor tend to be high because of lack of raw materials essential to manufacturing industries, management difficulties, and the great expense of plan construction and mechanization due to distance from centers of equipment production. Conclusive evidence that such economic disadvantages do exist in these islands is found in the fact that their wage rates, which are substantially lower than those in the United States, do not attract industries from the United States to any appreciable extent. It is believed that the application to the islands of the inflexible minimum-wage rates prescribed by the act will cause serious dislocation in some insular industries and curtail employment opportunities. The object of this amendment is to fix wage rates for these islands which are high enough to discourage migration of business from the United States but which are low enough to encourage industrial development opportunities in the islands.

We favor the amendment to the wage and hour law referring to Puerto Rico, because we hope that the industry committees to be appointed pursuant to the law will fix proper and fair wages according with the conditions of Puerto Rico and because we want to see our people working better than seeing them starving or depending on relief from taxpayers of continental United States.

The working people of Puerto Rico want to stand on their feet, they want work from industries that under our peculiar conditions may be able to pay living salaries, which could fairly be fixed by the industry committees provided for in the amendment. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, when this law was enacted, the Congress very clearly intended to exempt certain agricultural labor. I read the entire discussion that occurred on the floor of the House when this bill was enacted into law and the amendment offered by the gentleman from Iowa, Mr. Bierman, which the House adopted, very clearly reflected the attitude of the House and its intent to exempt certain phases of agriculture from the operations of the wage-hour law; but when the bill came back to the House after conference with the Senate there appeared, apparently for the first time, rather strange words, "area of production." If you have not taken the time to do so, it might be worth while to look at section 213 of the Code, which contains the exemption. In section 213 of the Code any employee engaged in agriculture is clearly exempt. There also was an attempt to exempt from the act any individual employed within the area of production as defined by the Administrator engaged in the handling, packing, storing, and so forth, of agricultural products.

The difficulty rose when the Administrator attempted to interpret the words "area of production" and to define them. As indicated by the distinguished gentleman from New York this afternoon, both the Administrator and his Department got into difficulty when they adopted varying and variable interpretations as to what was meant by "area of produc-

tion." They attempted to exempt by the definition last adopted by the Administrator those processors of agricultural products located in communities not exceeding 2,500 in population who secured their raw material from an area not exceeding 10 miles around that plant.

This meant that a plant in a town of 2,500 population was not subject to either the hour or the wage provisions of the law, provided he got his raw material from an area not to exceed 10 miles; but a town of 2,600 population, located 3 miles away, was subject to the provisions of the law.

A further attempt to define the area of production appeared in a regulation adopted by the Administrator when he said that a processing plant processing agricultural products located in a town, city, or village of over 2,500 and employing less than 7 people was not subject to the act, provided it employed 7 or less people. A situation rose which I called to the attention of the general counsel of the Wage and Hour Division, Mr. McNulty, when he appeared before our committee, wherein a processor of agricultural products located in a city of 20,000 is processing milk, which is shipped in interstate commerce. He employs less than seven people. Is he subject to the act or is he not?

The gentleman answered me by saying in substance that first he would have to know whether he got his raw material from the general vicinity, because that is the language of the regulation. I asked him to tell me what facts would be necessary in order to determine whether this man got his raw material from the general vicinity. I understand what "general vicinity" ordinarily means, but what does it mean as interpreted by the general counsel for the Wage and Hour Division? This man was processing milk. He had to get his milk under contract from farmers wherever he could get it. Right next door to him was a processing plant employing less than seven people making ice-cream mix and this concern was fortunate enough to contract with farmers immediately adjacent to that city. The latter plant is within the definition "area of production" and is not subject to the act. The other plant operated in such a manner that it had to go out 20 miles to get the milk and bring it into the factory. That plant is subject to the act because it does not get its raw material from the general vicinity of the city or town in which located.

If they make an analysis of the situation as applied, I think you will concede both Mme. Perkins and the Administrator, Colonel Fleming, when they appeared before our committee, very definitely and clearly indicated by their testimony the necessity for some change in this act to make it workable so that the inequalities and injustices which they both admitted existed from one end of this country to the other could be wiped out and justice done, especially to the farmers; but their contention was and the contention of those who oppose any amendment or change in this act was that it could be done possibly by regulation and there should be no attempt to change the basic language of the act itself.

Mr. Chairman, we in Wisconsin have waited in vain, with plant after plant closing down, for some change in these regulations that would enable people engaged in the canning business and canning the same product and engaged in a competitive field to be placed upon the same competitive basis. May I say that it seems to me some questions ought to be very clearly answered by the members of this committee before we pass final judgment upon any of the proposed amendments.

I have listened this afternoon to all the discussion and it seems to me most of it is for home consumption, that most of it is a lot of bombastic talk that does not get right down to these bills and explain any of the amendments, but is intended as a eulogy to labor and making a demagogic appeal for the support of those who labor.

Let me ask the members of the committee some questions first, so that I may understand. May I ask that you turn to page 11 of the Norton amendment, subsection 1, which reads: "No employer shall be deemed to have violated subsection (a)" and so forth "making of dairy products (except ice-cream mix, ice cream, malted milk, and processed cheese) including among other things, the cooling, pasteurizing, printing, or packing thereof."

Do you intend if the Norton bill is passed to exempt those canning factories that are engaged in the processing of milk, that are manufacturing condensed milk, powdered milk, casein, and other dairy products which are not listed in the exemptions stated in that subparagraph? May I ask the gentleman from Georgia [Mr. RAMSPECK] if I am correct in saying that if this law passes, a plant any place in the State of Wisconsin, regardless of the number of people whom it employs, that is engaged in the processing of milk, dry milk, or condensed milk, is not subject to this act except as it may be generally subject to it if these exemptions do not apply to it?

Mr. RAMSPECK. The gentleman is asking me a question. The answer is that they will be subject to the wage provisions.

Mr. KEEFE. To the wage provisions.

Mr. RAMSPECK. They will have a 60-hour week all the year around, and for 14 weeks they have no limitation on hours. That is the provision of the Norton bill.

Mr. KEEFE. In other words, if I understand the gentleman's answer, a plant such as I have described, if the Norton bill passes, will be able to work its employees 60 hours a week without paying time and a half overtime?

Mr. RAMSPECK. That is correct.

Mr. KEEFE. And you intend that that should be?

Mr. RAMSPECK. That is right.

Mr. KEEFE. You intend that the plants of the Borden Co. and all the big processors of milk that are engaged in the business of making skimmed milk and powdered milk and condensed milk shall be able to work their employees 60 hours a week, provided they pay the minimum?

Mr. RAMSPECK. That is correct. May I say to the gentleman that the evidence before the committee was that all these larger plants are unionized.

Mr. KEEFE. That is exactly right.

Mr. RAMSPECK. That will take care of the situation, and the little plants will be able to have longer hours. What we are trying to do here is to get away from the difficulties of the area of production which the gentleman from Wisconsin has so ably pointed out.

Mr. KEEFE. I wish to say that I regret that I cannot go through this bill and ask some very pertinent questions in the debate before we get through, so that we will have in the RECORD and know and understand exactly what this bill means, because up to date no one has attempted to do that. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I am glad that our distinguished colleague the gentleman from Michigan [Mr. HOFFMAN] has joined a few more of us who have been trying to secure the passage of a bill in this House providing for cost of production for farmers.

Mr. Chairman, we have heard from gentlemen who profess to speak for the farmers of the country. We shall probably hear more from them.

Since when, may I ask, have these gentlemen discovered that there is a community of interest between the farmer and the big Chicago packing plants, or between the farmers and the great grain elevator operators in Minneapolis and Chicago? Since when has the startling discovery been made that the welfare of the farmer depends upon bigger profits for the railroads, the lumber barons, the big canners, and all that host of middlemen the real farmers of this country have been battling as long as I can remember? I would like to see you try to convince the farmers out in my State that their welfare depends upon bigger and better profits for Armour & Co.

I was born on a farm and brought up on a farm. I think I know the real interests of the farmers quite as well as some of their surprisingly recent new-found friends. The farmers

and the industrial workers and small-business men of the Second Montana District sent me here. And I feel that I never have so adequately represented them as I do now in protesting against this attempt to emasculate the Fair Labor Standards Act.

The farmer and the industrial worker! There, gentlemen of the Congress, is your real community of interest. To whom does the farmer look for a market for his produce? Why, to the industrial workers of the country, of course. They are not going to sell any more meat and potatoes and bread and butter to the Armours and the Cudahys and the directors of the railroads. Those gentleman are getting enough to eat, anyway, and they could not hold any more even if we did sweeten up their profits at the expense of labor.

If we are going to sell more meat and wheat and other foodstuffs, we have got to find some way to get them into the hands of the millions of industrial workers who are half clad and half fed. They are the people who want and need more butter and eggs, more wool clothing, more of everything the farmer produces. But you cannot sell to people who have not got jobs or who, even if they have got jobs, do not get enough in wages to buy anything more than the most meager necessities of life.

There are millions of people in this country who do not get enough to eat. Millions, with incomes of less than $500 a year, are spending only about 5 cents per person per meal on food. In the name of Christian charity, let me ask you what is going to happen to our American democracy if we close our eyes to this injustice? Ex-President Hoover has been asking us to come to the aid of the suffering Finns. I am in favor of helping the suffering Finns; but I still think charity begins at home. If we want to be charitable, we do not need to stretch our arms and our hands, extending food to the suffering, a distance of 3,000 miles.

Let me tell you another thing: The help provided by Government for the farmers of this country—and we have appropriated billions—could not have been granted had not the urban Congressmen, representing the industrial workers, voted for it. Whenever we have asked anything for the benefit of the farmers, our city brethren have stood shoulder to shoulder with us. It comes with mighty poor grace if now that we are asked to extend just a little measure of protection to the city worker, we who speak for the farmers turn against him. The city industrial worker is not asking us to vote him a subsidy of a billion dollars; all he is asking is a minimum wage of just 30 cents an hour. Thirty cents an hour! Think of it! Thirty cents an hour, out of which to pay the rent, buy the food and clothing, pay the streetcar fare, and meet the doctor's bill. And yet they tell us that is too much for the head of an American family. Let me ask the Members of this House, who are advocating the mutilation—if you please—of the wage and hour law, what they would say if they were asked to feed themselves and their dependents on 5 cents a meal per person. Let such a thing as that be proposed, and hell would be to pay.

The distinguished gentleman from Georgia [Mr. Cox] and Mr. HOPE, of Kansas, made the statement that many farmers live on much less than 30 cents per hour. In this statement they are technically correct. Many, many farmers do not receive in cash 30 cents per hour for their labor, or anywhere near that sum, but the difference is that the farmers produce, as a rule, their vegetables, milk, butter, and meat and have a place in which to live, which constitutes a large share of the farmer's living. If he were required to buy these products, and pay rent for his house, he could not make a go of it at all. The industrial worker, on the other hand, is required, as before stated, to buy all of his food, his clothing, and pay for a place to live in, as well as other incidental expenses, such as light, water, heat, and so forth. We must not get these two problems confused.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. No; I am sorry, I have only a few minutes.

Mr. KNUTSON. I suggest that the gentleman yield to the gentlewoman from Illinois.

Mr. O'CONNOR. I yield to the lady.

Miss SUMNER of Illinois. I simply wanted to tell the gentleman that the thing on the farm that is raising and raising is the mortgage every year.

Mr. O'CONNOR. Let me call the attention of the gentlewoman to the fact that the farmer was being kicked out of his home in the spring of 1933 by mortgageholders, but today he still has his farm even though there is a mortgage on it. There is the difference. He would not have anything left if it were not for what has been done for him during the last 7 years.

Mr. KNUTSON. Politics, politics.

Mr. O'CONNOR. I also wish to add to this point and to emphasize that the farmer's income for the year of 1939 was higher than it was in 1938. This was during a period of time when this law was in operation. I am not saying that its administration has been 100 percent, but even though the law may not be perfect, a liberal interpretation by the administrators of a law is always desirable and can take care of many imperfections and defects.

The city worker, through his representatives, has stood loyally by the farmer. How much longer do you think he will continue to stand by in the farmer's time of need if the farmer's representative now throws him to the wolves to be exploited any number of hours at the lowest pittance the most greedy employer is willing to pay?

We hear a lot of talk these days about the dangers of communism. We don't want communism or any other "ism" except Americanism. But remember, Members of the House, that millions of innocent people who are undernourished, half-clad, wretchedly housed, are not going to suffer forever in silent patience while they are ground to lower and still lower levels. They are not going to cling for long to the theory of democracy if it does not work and if its benefits are denied them.

Yet, they say, the farmer somehow is going to be benefited if we deny the workingman protection in his wage or in his hours of work. How benefited? Well, let us see what this Barden bill really does. Let us turn to lines 21 to 23, inclusive, on page 4. Here it is provided that the preparation of products and livestock, when done "at the packing plant," shall have a complete hours exemption for 16 workweeks in the year. All right, that means that Swift & Co., Armour, and Cudahy may work their employees an unlimited number of hours without paying a cent for overtime 16 workweeks in the year, even when they are engaged in the manufacture of glue, fertilizer, oleomargarine (which competes directly with the dairy), sausages, or in tanning hides, or while engaged in working on any of the byproducts that come from the slaughterhouse. That takes care of the big packers, all right, but just what does the farmer get out of that? And how about the industrial citizen? He has a plant over in the next county manufacturing glue, fertilizer, and so on, from livestock products in competition with the big meat packers, but he does not get any exemption—not under this Barden bill. He does not get any exemption because he does not operate a meat-packing plant. He has to keep right on paying his employees not less than 30 cents an hour, plus time and a half for overtime for all hours worked beyond 42 a week. You let out the big fellow and penalize the little man. In heaven's name, where is the logic—not to say justice—of that?

Then again, section 5 (b) of the Barden bill—lines 12 through 24 on page 7—would give exemption to such a gigantic corporation as the Kraft Co. from both wages and hours when manufacturing cheese and other dairy products made from milk. The Kraft plants are situated in the big cities, such as Chicago and New York, and they employ thousands of workers, many of whom probably never saw a farm. If you reduce the wages of these people, how do you expect that the farmer is going to sell them more butter and eggs and milk, or anything else? It cannot be done. Again, the production of casein, which is used to manufac-

ture synthetic buttons and the like, also is exempt under this provision from both minimum wages and maximum hours. But the fellow who is manufacturing buttons from some other material is not exempt. How are you going to justify that sort of discrimination? How is that going to help the farmer? If not, is it going to help the worker?

Let us move on to page 8, lines 3 through 5. Here an exemption from both wages and hours is granted to the compressors of cotton. You and I know that the machinery for compressing costs a lot of money and that these compressors employ a lot of people. They are situated at the big shipping centers like Savannah, Atlanta, and New Orleans. Once more, the people who are denied the benefits of the act are not farmers or farm laborers. They are city industrial workers, and it is proposed to knock down their buying power so they cannot buy the farmer's produce. I do not believe there is a compressor in the United States so small as to employ less than 100 people.

Then take pages 7, 8, 9, and 10, and the first half of page 11. Read that over and what do you find? Here is a measure to deprive employees engaged in handling and transporting from the protection of minimum wages and maximum hours—both of them. This does not mean the transporting the farmer does when he steps on the starter or hitches up his mule to drive to town with a load of potatoes or corn. The farmer's transportation already is exempt in the law. Any hauling that he does, or his hired man does, is not touched. Here is an exemption for the employees of the railroads—and the big trucking companies. What this part of the bill means is that if a railroad or trucker is transporting any of these products—such as casein, butter, cream, cotton, sugarcane, maple sirup, any kind of nuts—I am speaking of the edible type—sirups or canning fruit or vegetables, all the employees of the railroad or trucking company are deprived of the protection of the law. I have not included a tenth of the products the transportation of which would render these railroads untouchable. Virtually every train and truck carries some of these things, and the scheme here is simply to bar from protection all railroad employees engaged in operating trains.

This thing gets worse and worse the more you study it. Let us go back for a moment to page 8, lines 21 through 24 at the top of page 9. Here is an exemption for employees engaged in canning fruit and vegetables if in the same calendar year the employer does not engage in any recanning operations or does not can any nonperishables. The effect here is to discriminate against about 500 canneries in the country which can both perishables and nonperishables. In other words, if we approve this, we say to the fellow who operates a canning factory just a few weeks in the year, all right, we will give you as a premium the right to pay starvation wages. But to the conscientious fellow who tries ingeniously to keep his people employed on a year-round basis so that they are able to keep off relief and become better customers for the farmer, we say, We will penalize you; we will fix it so the wage cutter can take your business away from you. How is that going to help the farmer? Who can it possibly help but the fly-by-night canning operator? Does anybody dare tell me it is going to help the worker?

I am not through yet. I could go on for hours, but at least there are two or three more other things that I want to mention. Now, back to page 3—lines 24 to 25 on that page—and then over to page 4, lines 1 and 2. Here it is provided that a wholesaler of fresh fruits and vegetables may work his employees up to 56 hours a week without paying them a penny for the overtime. But, on the other hand, the small wholesaler of canned, dried, and nonperishable food products must pay time and a half for all time worked in excess of 42 hours. Nonperishable products were at some time perishable products, which, in order to convert them into nonperishable products, required time and work. Why this discrimination?

On page 7, and running through to the middle of page 11, we find a complete exemption from both minimum wages and maximum hours for all warehouses, regardless of size, in cities of less than 150,000 population, while handling products listed in section 5 (b). Note that term "local storing." It is defined in lines 12 to 14 on page 11 to include all storing outside of "terminal markets" as defined in section 7 (c). The definition is on page 5, lines 9 to 17.

Now we come to a real atrocity. Page 14, lines 13 through 19. Here is perhaps the final death blow to this legislation which the Congress enacted to bring at least a small amount of protection to the helpless working people of this country. Here is a proposal to apply a 6-month statute of limitations to employees' suits for the recovery of their unpaid legal wages. As you know, State statutes of limitation already apply to such claims, and they usually run from 3 to 10 years, depending upon the State. The statute of limitations for real-property suits is 20 years. The philosophy of the Barden amendment is that where an employer is withholding from his employee the wages that lawfully belong to him, and in addition is violating a Federal statute, the period within which redress may be sought is 6 months—just 24 weeks.

Not only that, but the statute of limitations starts running when the violation occurred, irrespective of when it was discovered. One of the purposes of granting the right of private suit was to make wage and hour law self-executing, and reduce the cost of administration. Everybody knows that this provision of the law is having a highly salutary effect in bringing about compliance. Suits for back wages totaling close to $10,000,000 are now pending in the courts. And yet we are asked to let off scot free the employer, who may have been violating the law for years—except for the last 6 months of the cheating.

I will say that my distinguished colleague, the gentleman from Wisconsin [Mr. KEEFE], whom I regard as standing on a high pinnacle in this House, as a lawyer, would not stand for such language in any bill limiting the right to sue within 6 months from the date of the accruing of the action regardless of when the lapse or fault was discovered.

Mr. KEEFE. Will the gentleman yield so I may answer?

Mr. O'CONNOR. If I have time I shall be pleased to yield to the gentleman.

I doubt if any other piece of legislation has ever come before this House representing so hopeless a hodgepodge of discrimination and injustice. Let us strip from it the pretense that all this is going to benefit the farmer and recognize it for what it is—a license to the most unscrupulous elements in American business to oppress and exploit the poor and helpless—at the expense of both the farmer and the worker.

The test of whether democracy works is whether the humble folk—not the rich and powerful, who are amply able to take care of themselves—are fed and clothed and housed. And today our democracy is challenged by unemployment and want. Both are stalking the country. We, who claim to be a Christian nation, dare not reimpose these hardships upon millions of our people. I am amazed when I find gentlemen arguing that any group of industrial workers should be forced to feed, clothe, and house their families on incomes of less than 30 cents an hour.

I do not think the farmers of this country are going to be duped on this matter. They know that their market is here at home, provided we will, in simple justice, continue to vitalize that market with even so small a measure of buying power as 30 cents an hour represents. Underconsumption is the cause of farm surpluses today. It is not overproduction. Give the American people enough to eat, and that will solve the problem. We must not forget that about 85 percent of farmers' products are foodstuffs. Millions of ill-fed, ill-clothed people, farmers and city workers alike, look to us, and have a right to look to us, for help. They are the people of whom, and for whom, I speak. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. JENKS].

Mr. JENKS of New Hampshire. Mr. Chairman, when I came to be a Member of this honored body I asked the privilege of being appointed to membership on the Labor Committee, and during the period that this wage and hour bill

was being considered and brought up I have been a member of that committee. My reason for asking to be a member of the committee was this: I had been advised that that committee was full of dynamite, but I said, "I have handled dynamite all my life" [laughter], and there has been no exception to that since I have been a Member of this Congress. [Laughter.]

I wanted to be a member of the Labor Committee because for a good many years I had worked in the capacity of a laborer. I had worked for substandard wages, 60 hours a week, and later on, as I have told this House before, I was a rather large employer of labor for more than 30 years. When this bill was considered in the committee my one thought was to vote for a measure whereby no man or no woman would work for wages of less than $10.60 a week, and I do not care whether that man or that woman is in the South or the West or the North. He lives under God's blue canopy. He has to earn a living for his family, and that family is entitled to a living, and I ask you, Can any man support a family as it should be supported on less than $10.60 a week, whether he works on the farm or in the factory?

In the manufacturing industry the cost of labor that goes into a product varies very substantially, from 10 to 50 or 60 percent, and it has been my experience that the people who wanted to undersell, who were not willing to meet fair competition, were the men who were cutting down on their labor, which was the only thing they could cut down on, as raw-material costs are the same to one man as another.

There may be, of course, some variations in overhead, but the only place he could really save was on labor, and the chiselers of this country are the ones who have brought wages down and brought about unfair competition until this wage and hour law was put on the statute books.

If there is not another thing I have done while I have been a Member of this House, at least I shall always remember and be proud of the fact that I cast my vote to give a fair living to the people of this country and also to abolish child labor. [Applause.]

Mr. Chairman, I have given much thought and study to the proposed amendments that we have under consideration here to the Fair Labor Standards Act, and I have listened most attentively to the discussion relating to them.

We have heard much about the disadvantages the operation of this act has imposed on the farmer, but, since neither the farmer nor his hired help are subject to the requirements of the Fair Labor Standards Act, I fail to see how he can be adversely affected by the operation of the act, although it is very clear to me that the interests of the farmer could be hurt by decreasing the wages of those who buy his products.

I submit that we are dealing with amendments here that, if passed, would destroy the effectiveness of the Fair Labor Standards Act because those amendments would rob that vast group of underprivileged and defenseless workers of the protection that the act affords them. In my opinion, $12.60 for a 42-hour week of manual labor is not too much for any worker, regardless of where he lives—North, South, East, or West—nor is $655.20 a year too much for any worker to maintain his family on. For that reason I stand unalterably opposed to the passage of any amendment that will weaken and ultimately lead to the destruction of the protection that the fair labor standards law affords to the workers who must need protection. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEYER.]

Mr. GEYER of California. Mr. Chairman, I am not injecting the sectional issue into this problem as the gentleman from Georgia did here yesterday. Yesterday when the very able gentleman from Georgia [Mr. Cox] was speaking, he had much to say for the poor of his section of the country. He expressed great concern for the exploited classes. I asked him to tell us of the laborers who are unable to vote because of the poll tax. Instead of answering my question he made some remark about going into the barber business.

I do not blame him for not telling us of the havoc wrought upon labor and all who toil by this ingenious device of the Middle Ages. It was apparent yesterday to all who had eyes to see and ears to hear that the spear head of this attack came out of the sections where labor may neither punish nor reward at the polls on election day. Labor desires no change in this act and these southern gentlemen who are opposing this social legislation cannot possibly speak for labor—nor scarcely anyone else so far as numbers go.

The gentleman from Arkansas [Mr. KITCHENS] also assisted yesterday in the smoke-screen activity by making reference to his own "arkies" that the great State of California now must contend with. I do not blame him either, for changing the subject away from the poll tax. He probably knows that his State in 1936 voted but 18 percent of its adult population, while the neighboring State of Missouri without this tax sent 80 percent to the polls.

In eight poll-tax States labor has virtually no vote. Barely 5 percent of the people cast a ballot in those States, as against 32 percent elsewhere. The wage and hour law may have enabled a few persons to pay a poll tax. Weakening the law would prevent those workers whom the law now aids from voting to keep the law strong—because they could not pay the poll tax on their lowered wages. But the people who can pay the poll tax and some of the Representatives they send to Congress want both low wages and a poll tax: low wages to prevent labor from paying a poll tax; a poll tax to prevent labor from voting for Representatives who favor higher wages.

From the beginning of this struggle 3 years ago, poll-tax Representatives, with a few notable and courageous exceptions, have opposed the Fair Labor Standards Act. They fought against it; they voted against it; when it was passed they tried to weaken it—now they want to kill it.

I tell you labor all over the country has its eye on this House today. If the poll-tax Representatives vote against the wage-hour law, labor will know that these Representatives speak not with the voice of labor. And labor will also know that the poll tax must go if the voice of labor is to be heard.

I received 56,000 votes in the last election—more than the combined ballots of 12 poll-tax Congressmen, each of whom got less than 6,000 votes. These 12 include two gentlemen from Georgia who are the chief opponents of this labor law. Twenty-five thousand more votes were cast in my district at the last election than were cast in the entire State of Georgia with 10 Representatives. They have 10 votes and I have 1. Is that democratic government? Is that justice to my people?

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield with reference to the figures from Mississippi?

Mr. GEYER of California. I know they are interesting, and I yield.

Mr. SCHAFER of Wisconsin. By reason of this "polecat" tax, the total vote in the 7 Mississippi congressional districts in 1938 was less than 36,000 votes, which is less than one-half of those cast in each individual congressional district in most of the other parts of the country.

Mr. GEYER of California. If every one of the five-thousand-odd votes cast for the gentleman from Georgia [Mr. Cox] were a worker's vote—and I doubt if even 500 were—what about the other 23,000 employed workers in that district who could not vote? Does he speak for labor or the oppressed?

In almost every case the gentlemen from New England who support the wage-hour law and are fighting to preserve it received as many or more votes even than I. Each of them secured personally more votes than all 7 Representatives from Mississippi or all 6 from South Carolina. At least 3 of them each got more votes than all 13 Representatives from South Carolina and Mississippi together. One of the strongest supporters of this law from Illinois received more votes in 1938 than 21 poll-tax Congressmen all put together. Not one of them got votes from as much as 4 percent of his people, yet the gentleman from Illinois got

votes from over 40 percent of his. Yet some call my bill, to abolish these poll taxes, outside interference.

So, gentlemen from the poll-tax States, I say the eyes of all the people in your district—and not just those of your constituents—are on you today. Vote against the wage-hour law and you will confirm the conviction in the heart of the laborer from all sections of the country that the poll tax must go if his family's bread basket is to be filled. And when the poll tax goes, along with it may go its present supporters. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Chairman, I have stayed on the floor today and listened to the debate on these amendments because they are very important to the country, and as I listened to men get on their feet and say they were going to vote against these amendments, the Norton amendments, especially, I could not understand whether they have read the bill or have any interest in the country or not. Very few bills are perfect when they first pass the House of Representatives. Many bills are repealed because they are not workable, and many bills of this social order will have to be amended in this House before they will be workable. As I see it, some five or six or seven lines will cover to a large extent what is contained in the law; but since this bill was passed, about five volumes have been written on the interpretation of language in the law, which is quite clear. So that what we want to do here is to try to get these amendments in such language that nobody, no matter what his mind might be, can interpret it in any other way other than as the Congress intended it. I do not believe there is anybody here who says that he does not intend to vote for these amendments, the Norton amendments, who would think of making a statement of that kind and go back home to his constituents and say that he had voted against the farmer having the right to prepare, cure, grade, or bag raw-grease wool.

Every farmer wants to do that, and it should be clear that he has the privilege of doing it; or of handling, grading, loading, slaughtering, or the dressing of livestock, or of the handling, storing, grading, picking, dressing, or packing of poultry. I do not believe anybody will want to go back home and say that he had denied the farmer that privilege, or of the handling or storing and grading or drying or packing of eggs. It is clear that that is exempted and I do not believe anybody would want to vote against that. If anybody votes against these amendments that is what he will be doing, or the hatching or handling or boxing of chicks, poultry, ducklings, goslings, or wild fowl.

There is one thing in these amendments that I feel ought to be made clearer, because it is language about the making of dairy products. That should extend not only to the making of these dairy products, but also to the transportation to the point where they are processed or taken care of, because as the language is now it might include a farmer who is hauling his milk to a cheese factory that may be 2 miles or more away. I see a gentleman on the committee shaking his head as if to say that it does not mean that, but the interpretation of the Administrator——

Mr. RAMSPECK. If the farmer himself takes it, or anybody employed directly by the farmer takes it, it is exempt.

Mr. JOHNS. But suppose he should hire somebody from the city and pay him 15 cents a hundred for hauling this milk, as many of them do, would he not involve himself?

Mr. RAMSPECK. It may be somewhat complex, but if the farmer himself by his own employee or through his own efforts transports it, it is exempt under the present law.

Mr. JOHNS. Is there any ruling to that effect?

Mr. RAMSPECK. It happens to be directly in the law.

Mr. JOHNS. I do not see it.

Mr. RAMSPECK. The gentleman will find it in section 13 of the act, the present law, where a farmer himself is exempt and dairying is exempt.

Mr. JOHNS. That is what it says here—the "making of dairy products," but that is different from transporting them to the market.

Mr. RAMSPECK. Anything done incident to farming. Agriculture is defined as anything done by a farmer on the farm, incident to farming, and it includes dairying. The gentleman will find it in the definition of this language. It includes farming, and the harvesting of any agricultural crop, and so forth:

> Any act performed by the farmer on the farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market, or to carriers for transportation to market.

Mr. JOHNS. I see. Well, that would cover it.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield to the gentlewoman from New York [Mrs. O'DAY] such time as she desires.

Mrs. O'DAY. Mr. Chairman, if you will study the Barden bill and determine the precise employees who are to be removed from the protection of the law, you will discover an appalling fact. Of the some million-odd workers which it would deprive of the protection of a 30-cent wage, about half of them are women. In the industries of canning and packing of fruits and vegetables alone, the Women's Bureau of the United States Department of Labor estimates that approximately 176,000 women would be exempted by the Barden bill.

This country has striven for more than a quarter of a century to secure legislation to protect the woman who is required to leave her home and work in industrial occupations from the evils of the sweating system. Because of the attitude of the courts and the opposition of various industrial groups effective minimum-wage legislation exists only in a few States. In 1938 Congress passed the Fair Labor Standards Act. This act specifically provided that it should apply to both men and women. No discrimination is permitted on the basis of sex.

The passage of this law was a great gain for the working women of this country, hundreds of thousands of whom are so weak in bargaining power that they are at the complete mercy of the employer. Their needy circumstances force them to take any wage that is offered. Many women have been working for a starvation wage ever since women entered industry. They have been the victims of the "greedy and overreaching employer"—Chief Justice Taft in the Adkins case.

What character of work are the women engaged in whom Congressman BARDEN of North Carolina would exempt? For the main part they are toiling in commercial canneries, in packing sheds, stripping and stemming tobacco, and in other processes in connection with the preparation of food products. If you have ever been in a cannery, you know how women work over steaming cauldrons of hot tomatoes for hours—working in intense heat and often with blistered hands. Is a bare 30 cents an hours too much for such work? Most of these workers are mothers—heroic mothers—who are buying their food with their sweat. There are hungry mouths at home that must be fed.

The passage of this law gave new hope to hundreds of thousands of these women. Are we going to take it away from them now? To me the passage of this bill would be a national disgrace. Surely we have not arrived at a point in our national life where the profits of the cannery, the packer and the tobacco merchant, the cheese factory are more important to the legislator than the protection of our women. The sponsors of this bill should be forever shamed by the misery and distress which they propose to legislate upon several hundred thousand defenseless women. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield to the gentleman from California [Mr. BUCK] 3 minutes.

Mr. BUCK. Mr. Chairman, tomorrow I expect to propose an amendment to whichever of the substitutes is offered first, and thereafter to the Norton bill, if the substitutes are

defeated, embodying an amendment to section 3 (f), "Agriculture," and changing the definition of "agriculture and agricultural labor" to conform to the definition which was written in the social-security law by the Congress a year ago. This amendment will not conflict with the provisions of any of the pending bills. It has had the approval of both Houses and has been approved by the Senate. I am going to do this primarily because I think it will overcome the confusion that exists in interpreting what "agriculture" is under this act. If we have one definition in the Fair Labor Standards Act, one in the National Labor Relations Board Act, and one in the Social Security Act, obviously every employer of agricultural labor is going to be at his wit's end to know what to do. The definition which was adopted a year ago in the social-security amendments of 1939, which is now law, is clear, it is comprehensive, and it has withstood the test of several months' experience in the Bureau of Internal Revenue.

I might add that the Ways and Means Committee gave several weeks' study to this definition before it was submitted to the House, and the Bureau of Internal Revenue has now been operating successfully under that definition.

Let me suggest that uniformity is one thing that ought to be desired, even by those who are most interested in the success of the wage and hour bill. Let me add that I voted for that bill. Let me add that I hope it will continue to be a success and will not be emasculated by any amendments that are proposed tomorrow.

I think that basically agriculture is the same, no matter whether it is under the Wage and Hour Act, the Labor Relations Board Act, or the Social Security Act. Therefore, when the latter bill comes before us, I propose to offer the same amendment. Anyone who wants to know what that amendment is only has to consult the social-security amendments of 1939 to see what I propose to offer tomorrow.

Mr. Chairman, "agriculture" is defined in section 3 (f) of the Wage and Hour Act, but it is not a comprehensive definition. The law on minimum wages is laid down in section 6 of the act, the law on maximum hours in section 7, but in section 13 (a) (6) it is set out that the provisions of sections 6 and 7 shall not apply with respect to "any employee engaged in agriculture." It is therefore important that an accurate definition of agricultural labor be made in the act itself.

We had the same trouble with the Social Security Act. We exempted from tax what we classified in general language as "agricultural labor." The same difficulty existed with the Treasury Department that has existed with the Wage and Hour Division of the Department of Labor. The difficulty was to make the Administrators understand what agricultural labor was. In issuing its regulations the Bureau of Internal Revenue produced a great many conflicting and often ridiculous rules and regulations. I commented on these at some length when we were discussing the Social Security Act. For instance, labor in connection with fur-bearing animal farms. The Bureau of Biological Survey in the Department of Agriculture classifies farms of that type as agricultural. The Bureau of Internal Revenue did not. As I told you a year ago, I have a fairly large acreage of fruit. I pack— that is, prepare for market, put in crates and boxes— that fruit on my own farm. That labor was classed as agricultural and exempt. However, if 10 or 20 of my neighbors, who own small farms, got together and built a cooperative packing shed on the railroad line, washed their pears, packed their fruit, and used the same type of labor, even the same people perhaps at times, under the same circumstances, they were not exempt. There is no justice in making the small producer suffer under those circumstances.

Tomorrow I may cite other instances of these peculiar distinctions that have been worked out which produce inequities among people operating in the same commodities in the same localities, which is certainly an injustice. It seems to me, therefore, well for the Congress to make uniform its definition of what agriculture and agricultural labor are. The fact that the Congress has already passed on this question once and then rejected a motion to strike out this particular definition overwhelmingly on the floor of the House, and the fact that the legislation has been approved by the President, seems to me to furnish a criterion for the adoption of a similar definition in the wage and hour. I may add that I intend to offer the same amendment in connection with the National Labor Relations Board Act when it is presented to the House. There is no sense in leaving a definition of agricultural to administrators who may know nothing of what agriculture is or how it operates when we already have set up a standard.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. BUCK. I yield.

Mr. REED of New York. Has the gentleman that amendment with him?

Mr. BUCK. I do not; but, as I said a moment ago, if you will look up the social-security amendments of 1939——

Mr. REED of New York. I thought if you could obtain it and insert it as a part of your remarks it would be available to all the Members.

Mr. BUCK. I shall ask for that permission in the House. I thank the gentleman for the suggestion.

(The amendment is as follows:)

Amend section 3 (f) of the Fair Wages and Hours Act of 1938 to read:

"SEC. 3. (f) 'Agriculture' includes farming in all its branches and includes all service performed—

"(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

"(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

"(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

"(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

"As used in this subsection, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing-animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards."

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, I simply rise at this time so as not to leave the RECORD unchallenged with regard to the statements made by the Resident Commissioner of Puerto Rico in his advocating the exemption of Puerto Rico from the wage and hour law. I shall offer an amendment to strike out this exemption and will set forth at that time in full the reasons why the workers of Puerto Rico should have this protection.

At this time I simply want to point out that Puerto Rico has been the dumping ground for every needlework chiseling manufacturer from my city. They have gone down there and by a system of contracts they parcel the work out to one contractor and then the contractor parcels it out to a subcontractor, the subcontractor parcels it out to a sub-subcontractor, and that goes all the way down the line to women and children who work for hours and hours in their homes, receiving no more than $30 per year, while profits go from sub-subcontractor to subcontractor to contractor to chiseling

labor exploiter. You have there a needle industry where women and children receive as little as 25 cents a day and less. This law would have forced the payment of a decent wage to what I consider to be the most exploited people under the American flag.

And yet I find that the representative of Puerto Rico takes the position that this protection which the Congress has given his people should be eliminated.

Mr. PAGÁN. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. Not now. I have only 3 minutes. I decline to yield.

During the period in which we have had this wage and hour law we have heard a great deal about the needle trade running away from Puerto Rico; that it was going to China and Japan. The fact is not only did it not run away, but the export figures indicate that during the fiscal year 1939 the needle-trade manufacturers in Puerto Rico did 26 percent more business than in 1937. I think that should put a stop to the fountain of tears which representatives of entrenched interests in Puerto Rico are shedding over the plight of the "poor" labor exploiter in Puerto Rico. Why not spend some time over the plight of the exploited workers?

The real argument here is whether you want to protect Puerto Rican workers, whether or not you are for a decent wage for the workers in Puerto Rico. The gentleman from Puerto Rico seeks to justify the elimination of this protection for workers in his country by telling us about unemployment in Puerto Rico. Certainly there is unemployment in Puerto Rico. How can you charge unemployment to the wage and hour law when everybody knows, except the gentleman from Puerto Rico, that the Fair Labor Standards Act has been sabotaged, not enforced, and flagrantly violated in Puerto Rico? The cause of unemployment in Puerto Rico is due to a virulent and oppressive imperialism, against which the gentleman from Puerto Rico should be fighting, instead of training his guns on the wage and hour law, which was enacted for the protection of his people.

This committee has not heard from a single genuine representative of Puerto Rican labor on the question of the Puerto Rican amendment. Labor has not been given an opportunity to present its side of the case to this committee. I propose, before the discussion on this bill is over, to place in the CONGRESSIONAL RECORD a list of labor unions in Puerto Rico which have written me to keep up the fight against eliminating Puerto Rico from the protection of this law.

Mr. PAGÁN. I speak on behalf of labor.

Mr. MARCANTONIO. The gentleman is speaking in behalf of his political party.

Mr. PAGÁN. I speak on behalf of labor.

Mr. MARCANTONIO. Mr. Chairman, may I have order? I did not interrupt the gentleman when he had the floor.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. MARCANTONIO. The gentleman is speaking in behalf of his own political party, and not all of it at that. Labor union after labor union has met only recently in Puerto Rico. They have gone on record to appeal to Congress not to remove this small protection which Congress has given the exploited workers of Puerto Rico. How can the gentleman say that he speaks for labor? [Applause.]

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Chairman, I have an amendment to the Barden bill to be introduced at the proper time, which is of particular importance to several groups of people, one group of which is located in my district. The proposed amendment is as follows:

That subdivision (a) of section 13, of Fair Labor Standards Act of 1938 (U. S. C., title 29, sec. 213) be, and the same is hereby, amended by striking the period following the word "products" in the last line of said subdivision (a) of section 13, and inserting in lieu thereof a semicolon and the following: "Or (11) to any individual employed by a corporation or association, the activities of such corporation being located outside of the corporate limits of any incorporated city or town, when not less than two-thirds of the capital investment of said corporation is in real and personal property used by it in its agricultural pursuits, when two-thirds of its employees are voting stockholders in said corporation, when no individual stockholder in such corporation may own or vote more than one share of voting stock owned by him at any stockholders' meeting and when each holder of voting stock shares equally in the profits of the corporation after satisfaction of prior obligations.

About 1714, in the Province of Hesse, now Frankfort, Germany, there was founded an organization known as the Community of True Inspiration. To hold the religious group together against the destructive forces of outside oppression, the wealthy members of the community gave liberally of their money to help support the poorer members.

In 1842, about 800 of the group migrated to America and to a tract of land near Buffalo, N. Y. In that location they were organized formally under the name of the Ebenezer Society. They formed three small villages on the New York tract and two on the Canadian side of the Niagara River. All property was held in common. In the fall of 1854 the need for locating a cheaper and more extensive tract of land led them to move westward to Iowa, where they settled about 20 miles west of Iowa City. The organization had about 18,000 acres in one contiguous tract, and this land has been held and operated by them continuously from that day to this. The tract has now increased to 26,000 acres.

The first village was given the Biblical name "Amana," and 6 other villages have been established at different locations on this tract of land. Today there are 7 of these villages with a total population of approximately 1,500. The farmers as well as the mill workers all live in the villages. Members of the society are assigned to mill work and to farm work more or less with the seasons, and farmers and mill workers live together under identical conditions.

The Amana Society is today famous for many of its products, principally Amana hams and Amana woolens. The processing of meat and the processing of wool and the production of the famous Amana blankets and dress flannels is carried on in these small villages. The Amanas were quiet, peaceful, and prosperous until the present depression struck them, but the effect of the depression on them in and of itself has been mild compared with the terrific repercussions from the intrusion of the Federal Government seeking to divide the community and to make a part of it subject to the wage and hour law.

The Amana Society reorganized in 1932 with a view to accomplishing a transition from the old communal enterprise to a purely modernized, orthodox corporation for profit at some date in the future. The wage and hour law has struck them while they are squarely in that transition stage of their development, and it is my contention that until they completely leave the form of organization wherein the workers themselves are the joint owners and until they complete their transition to the corporate form, they are not or should not be within the provisions of the wage and hour law. Nevertheless, representatives of the Amana Society have pleaded their case before the Wage and Hour Division in vain, and the Amana Society today faces on the one hand a division of neighbor from neighbor within these villages, classifying some as coming within the wage and hour law and others not within it, even though they all live under identical conditions, or on the other hand the society has the choice of classifying all of its members, both farmers and mill workers, uniformly within the wage and hour law. I am told that the application of the wage and hour law to the mill workers only will cause considerable strife because of the unfair and unequal compensation paid to neighbors living under identical conditions whereas the alternative of placing both farmers and mill workers under the wage and hour law will mean financial disaster and spell the doom of the society as an economic enterprise. The Amana Society has never objected to placing all employees who are not members within the wage and hour law. It is only the matter of applying the wage and hour law to the joint owner-workers that they object to.

But the Wage and Hour Division, in order to bring the members of the Amana Society within the wage and hour

law, has ruled that if in the joint enterprise third persons who are not joint owners are employed, then the relationship of employer and employee exists not only between the corporation and the third person but also between the corporation and the joint owner-worker. The members of this society cannot see, and I cannot see, how that should or could draw the owner-workers themselves within the wage and hour law.

The Wage and Hour Division has ruled further that if the direction of the labor is vested in any one member or group, then the relationship of employer and employee is considered by the Department to exist. In other words, the joint owners cannot arrange for the proper direction of their own work without placing themselves within the wage and hour law, regardless of the relationship of the member to the organization and the mutual obligations existing and based upon centuries of existence of that relationship. Furthermore, it is well nigh impossible to measure the values of the existing relationship and the compensation paid in the form of security not measured on a simple dollars-and-cents basis. All these good people ask is that they be left alone and not molested. Nevertheless, the ruling of the Wage and Hour Division that has already been made may mean the closing of the Amana woolen mills in these villages and the expulsion of those mill workers from membership if the farm holdings of the society are not extensive enough to furnish them employment.

This amendment I offer is broad enough to cover all organizations similarly situated, and it is my understanding that there are approximately six or eight similar organizations in the entire United States.

We had a very similar situation before the Committee on Agriculture in connection with the bill H. R. 3800, which bill, as you will recall, amended section 8–E of the Soil Conservation and Domestic Allotment Act. In that case the Committee on Agriculture accepted my amendment as a committee amendment and the bill has passed the House and Senate so amended. The acceptance of this amendment will not open the gate to all cooperatives. Just as in the case of H. R. 3800, the amendment has been drawn to carefully limit its application to organizations of this particular kind. The amendment has been drawn in this instance to limit its application to organizations which combine agricultural and industrial pursuits under a joint owner-worker relationship, wholly located outside of the corporate limits of any city or town and where not less than two-thirds of the capital investment of such organization is invested in property used by it in its agricultural pursuits.

Mrs. NORTON. Mr. Chairman, this concludes general debate on the bill.

Certain of us desire permission to include matter in the speeches we made, but, as I understand it, such requests will have to be submitted in the House.

The CHAIRMAN. That is correct.

Mrs. NORTON. Mr. Chairman, I believe the agreement was that the first paragraph of the bill was to be read before we concluded today.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, in the absence of the minority leader, the gentleman from Massachusetts [Mr. MARTIN], let me state that I understood there was no such agreement. The agreement was that no part of the bill should be read, that only general debate should be concluded today, that we would proceed with the reading of the bill next week.

The CHAIRMAN. That is the Chair's understanding of the agreement that was made today.

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. COOPER, having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5435) to amend the Fair Labor Standards Act of 1938, had come to no conclusion thereon.

EXTENSION OF REMARKS

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to extend the remarks I made today in the Committee of the Whole and to include therein letters received from the Secretary of Agriculture, Mr. Wallace; also, from the National Consumers' League and the National Association for Advancement of Colored People.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. NORTON. Mr. Speaker, I also ask that the gentleman from Missouri [Mr. WOOD] may have permission to include certain letters and excerpts in the remarks he made today in the Committee of the Whole.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TRANSPORTATION ACT OF 1940

Mr. LEA submitted a conference report and statement on the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

Mr. HARRINGTON. Mr. Speaker, I ask uanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, under present law, railroad employees never have had adequate protection against loss of employment resulting from railroad consolidations, mergers, and abandonments. S. 2009 proposed substantial changes in the present law relating to these subjects but did not remedy this inadequacy of protection to employees. I offered, and the House adopted by a large majority vote, an amendment to S. 2009 designed to cover this defect in the bill.

Two hundred and seventy-five Congressmen signed a request urging the managers on the part of the House to retain the Harrington amendment, or report the same in disagreement so that a separate vote on this amendment could be had in the House. The joint conference committee on S. 2009 did not retain that amendment, but instead they struck out the entire consolidation section of the bill, including the Harrington amendment. The Transportation Act of 1920, as amended, however, still contains provisions under which mergers and consolidations may be effectuated yet which provide no specific protection for the railroad worker. For this reason I am offering today a bill (H. R. 9563) which would prohibit the Interstate Commerce Commission from approving any consolidation, combination, abandonment, pooling contract, agreement, division of traffic, and so forth, which would result in the displacement of railroad labor. My bill would also protect many communities from the economic disaster that results from railroad consolidations and abandonments.

The friends in Congress of railway employees are, therefore, being given the opportunity to support and vote for the principle of protecting railroad labor against railroad banker desires, which was the basic philosophy embodied in the Harrington amendment which the joint conference committee did not see fit to retain.

EXTENSION OF REMARKS

Mr. BUCK. Mr. Speaker, I ask unanimous consent to include in the remarks I made today in the Committee of the Whole the amendment I propose to offer to the bill H. R. 5435 when it is read for amendment.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FENTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from John J. Miller, president of the Shenandoah Disaster Relief Committee, which accompanied a petition of

6,327 citizens, and also to include therein the foreword of that petition.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Washington Evening Star on the subject of educational orders.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point and to include a resolution from the Veterans of Foreign Wars of the United States, as well as a letter I received from the Air Line Pilots' Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial entitled "An Appeal to Reason."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

FARM-TENANCY PROGRAM IN JEOPARDY

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I have asked the indulgence of the House at this late hour to make a brief statement and then an announcement that will be of interest to those who are especially concerned about the welfare of the farm-tenancy program. I have reference, of course, to the future of the Bankhead-Jones farm-tenant program. Judging from the record of those who have supported it in the past, an overwhelming majority of the Members of this House are in favor of continuing it. That splendid program that has just begun to get under way is now in jeopardy.

As Members will recall, the House, by a very narrow margin, failed to make the appropriation when the agricultural bill was being considered in the House. The vote came late in the day when there were nearly a hundred Members absent. The bill had previously passed by such a wide margin that, frankly, the friends of the bill were caught napping.

It will be recalled that practically every opponent of the bill stated then that he favored a farm-tenancy program, but that the House proposal of $25,000,000 was only a drop in the bucket and would not begin to do the job. Others stated they would support a loan of $50,000,000, or even a larger sum, that would really make a start on a worth-while program, but would oppose a straight-out appropriation because of the then alleged economy program.

When the bill reached the Senate that body inserted $50,000,000 in the measure to continue the farm-tenancy program, not as a direct appropriation from the Treasury but authorized the Reconstruction Finance Corporation to advance $50,000,000 for the next fiscal year for the Bankhead-Jones tenant loans. It provides only 5 percent for administrative expenses. This amount was approved by the Senate without a single dissenting vote. It is generally understood that the House conferees have refused to accept the Senate amendment and are evidently willing to wipe out one of the most successful and important parts of the entire farm program. As I understand the situation, this matter will be brought back to the House for a vote probably Tuesday of next week.

Now, the announcement I wish to make is that after conferring with several Members who have been especially interested in this farm-tenancy program in the past, it has been decided to call a meeting in the caucus room of the House Office Building next Monday at 10:30 a. m. All who are interested in continuing this worth-while program are invited and urged to be present, at which time we will devise and discuss ways and means of carrying on this farm-tenancy program.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to include, with the extension of my remarks relative to the Barden bill, a copy of the amendment which I propose to offer.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa [Mr. MARTIN]?

There was no objection.

Mr. SCHWERT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief editorial, and my reply thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. SCHWERT]?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to include in the remarks I made in the Committee of the Whole certain excerpts and letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. AUGUST H. ANDRESEN. When will the wage and hour bill, that we have considered in the Committee of the Whole this afternoon, be brought up for consideration again?

The SPEAKER pro tempore. As far as the present occupant of the Chair is advised, it will be brought up again on Monday next.

ADJOURNMENT

Mrs. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.), under its previous order, the House adjourned until Monday, April 29, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds Tuesday, April 30, 1940, at 10 a. m., for the consideration of House Joint Resolution 487. Important. The hearings will be held in room 1501, New House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings on the following bill on Tuesday, April 30, 1940:

H. R. 8855, to admit the American-owned steamship *Port Saunders* and steamship *Hawk* to American registry and to permit their use in coastwise and fisheries trade. Hearing will be held at 10 a. m.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, May 1, 1940, at 10:30 a. m. In re private bills and consider assignments.

EXECUTIVE COMMUNICATIONS, ETC.

1577. Under clause 2 of rule XXIV, a letter from the Acting Administrator, Federal Security Agency, transmitting a copy of a proposed bill to remove the restriction on the length of service for Indian enrollees in the Civilian Conservation Corps, was taken from the Speaker's table and referred to the Committee on Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DARDEN of Virginia: Committee on Naval Affairs. H. R. 7934. A bill to authorize alterations and repairs to certain naval vessels; with amendment (Rept. No. 2014). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 307. Joint resolution to provide for the printing of the speeches and writings of Edmund Burke as a House document; without amendment (Rept. No. 2015). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEA: Committee of conference. S. 2009. An act to amend the Interstate Commerce Act (Rept. No. 2016). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9550) granting a pension to Leon J. Collins, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 9553. A bill to amend and clarify certain acts pertaining to the Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CARTER:

H. R. 9554. A bill providing retired pay for certain former Army officers; to the Committee on Military Affairs.

By Mr. KEOGH:

H. R. 9555. A bill to provide for the establishment of the Adirondack National Recreational Area, in the State of New York, and for other purposes; to the Committee on the Public Lands.

By Mr. THORKELSON:

H. R. 9556. A bill to authorize the Secretary of War to exchange certain land located within the Fort Missoula Military Reservation, Mont., for certain land owned by the Missoula Chamber of Commerce, Missoula, Mont.; to the Committee on Military Affairs.

By Mr. WALTER:

H. R. 9557. A bill authorizing the Secretary of War to loan cots and blankets to the Department of Pennsylvania, Veterans of Foreign Wars of the United States, Encampment Corporation, for use during the 1940 State convention at York, Pa.; to the Committee on Military Affairs.

By Mr. COOLEY:

H. R. 9558. A bill to extend the Federal Crop Insurance Act to tobacco; to the Committee on Agriculture.

By Mr. HOLMES:

H. R. 9559. A bill to allow the use of a limited number of live decoys in the hunting of migratory waterfowl which may lawfully be taken; to the Committee on Agriculture.

By Mr. KERR:

H. R. 9560. A bill to prohibit the exportation of tobacco seed and plants, except for experimental purposes; to the Committee on Agriculture.

By Mr. KNUTSON:

H. R. 9561. A bill granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. KUNKEL:

H. R. 9562. A bill authorizing the Secretary of War to loan cots and blankets to the American Legion Convention Corporation for use during the 1940 State convention at Reading, Pa.; to the Committee on Military Affairs.

By Mr. HARRINGTON:

H. R. 9563. A bill to prevent unemployment of railroad workers as a result of consolidations, combinations, agreements, or abandonments of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON:

H. J. Res. 524. Joint resolution proposing an amendment to the Constitution of the United States by disqualifying any person from serving as President for more than two elective terms; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 9564. A bill for the relief of Ada Rousina; to the Committee on Immigration and Naturalization.

By Mr. EDWIN A. HALL:

H. R. 9565. A bill for the relief of Baldassare Ferrara; to the Committee on Claims.

By Mr. HAVENNER:

H. R. 9566. A bill for the relief of Joseph Arreas; to the Committee on Immigration and Naturalization.

By Mr. HOBBS:

H. R. 9567. A bill for the relief of Walter R. McKinney; to the Committee on Claims.

By Mr. JOHNS:

H. R. 9568. A bill for the relief of Hyram Colwell; to the Committee on Military Affairs.

By Mr. JOHNSON of West Virginia:

H. R. 9569. A bill granting a pension to James C. Neff; to the Committee on Pensions.

By Mr. MARTIN of Iowa:

H. R. 9570. A bill granting a pension to Edith Cleota Miller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7723. By Mr. ANDERSON of California: Resolution signed by members of Mountain View (Calif.) Post, Veterans of Foreign Wars, and C. M. Fest, W. C. Hoffman, and others, urging support of House bill 7708, abolishing compulsory quarters, subsistence, and laundry; to the Committee on Expenditures in the Executive Departments.

7724. By Mr. FLAHERTY: Petition of the Board of Aldermen of the City of Chelsea, Mass., urging passage of bill to provide supplementary appropriation of $86,000,000 to maintain rolls of the Work Projects Administration at their present level for the balance of the year; to the Committee on Appropriations.

7725. By Mr. HART: Petition of the City Commission of Trenton, N. J., urging the enactment of House bill 9162 into law; to the Committee on Merchant Marine and Fisheries.

7726. By Mr. MARTIN J. KENNEDY: Petition of the United Electrical, Radio and Machine Workers of America, New York City, expressing opposition to the Norton and Smith amendments to the National Labor Relations Act; to the Committee on Labor.

7727. Also, petition of the Cigar Manufacturers Association of America, Inc., New York City, concerning the Barden bill and the Clark bill (S. 3735); to the Committee on Labor.

7728. Also, petition of the International Association of Machinists, Washington, D. C., concerning the Barden amendment to the Fair Labor Standards Act; to the Committee on Labor.

7729. Also, petition of the United Rubber Workers of America, Akron, Ohio, expressing opposition to all amendments to the National Labor Relations Act; to the Committee on Labor.

7730. By Mr. KEOGH: Petition of the American Federation of Teachers, Washington, D. C., opposing all amendments to the wage and hour law; to the committee on Labor.

7731. Also, petition of the American Communications Association, New York City, opposing all amendments to National Labor Relations Act; to the Committee on Labor.

7732. Also, petition of the Retail Dairy, Grocery and Fruit Employees Union, New York City, opposing the Smith and Norton amendments to the National Labor Relations Act; to the Committee on Labor.

7733. Also, petition of the Retail Drug Store Employees Union, New York City, opposing all amendments to the National Labor Relations Act; to the Committee on Labor.

7734. Also, petition of the New York State Farm Bureau Federation, Ithaca, N. Y., favoring the passage of Senate bill 162 and House bill 944; to the Committee on Interstate and Foreign Commerce.

7735. Also, petition of the New York State Farm Bureau Federation, Ithaca, N. Y., concerning the Barden bill (H. R. 7133); to the Committee on Labor.

7736. Also, petition of the State, County and Municipal Workers of America, opposing all amendments to the National Labor Relations Act and wage and hour law; to the Committee on Labor.

7737. Also, petition of the United Wholesale and Warehouse Employees of New York, concerning the Marcantonio bill (H. R. 8615); to the Committee on Labor.

7738. By Mr. KRAMER: Resolution of the Highland Park Progressive Democratic Club, of Los Angeles, relative to the Smith amendments to the Wagner Act; to the Committee on Labor.

7739. Also, resolution of the Reclamation Board of the County of Sacramento, State of California, relative to an appropriation of funds by the Congress for the purpose of a resurvey of the Sacramento River flood-control project; to the Committee on Flood Control.

7740. By Mr. LEWIS of Ohio: Petition of sundry residents of Alliance, Ohio, protesting against Japan's aggression in China, and asking for a restriction of war materials that are now being sent to Japan by the United States; to the Committee on Foreign Affairs.

7741. By Mrs. NORTON: Petition of the Board of Commissioners of the City of Trenton, N. J., endorsing and urging the passage of House bill 9162, providing for the construction of five vessels for the Coast Guard, designed for ice-breaking and assistance work on the Delaware River; to the Committee on Merchant Marine and Fisheries.

7742. By Mr. PFEIFER: Petition of the Department of Agriculture and Markets of the State of New York, Albany, urging consideration and passage of House bill 9023; to the Committee on Agriculture.

7743. By the SPEAKER: Petition of the Indianapolis Fire Fighters Association, Local No. 416, Indianapolis, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7744. Also, petition of the Plumbers and Steamfitters Local 515, Bloomington, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7745. Also, petition of the American Federation of Office Employees, Local Union No. 18049, Philadelphia, Pa., petitioning consideration of their resolution with reference to antialien legislation; to the Committee on Immigration and Naturalization.

7746. Also, petition of State, County, and Municipal Workers of America, Local 90, Philadelphia, Pa., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

7747. Also, petition of Local 1761 of V. B. of C. and J. of A., New Castle, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7748. Also, petition of Local 193, United Garment Workers of America, Mount Vernon, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7749. Also, petition of Easher Greenberg and Samuel Blaern and sundry other petitioners from Philadelphia, petitioning consideration of their resolution with reference to the case of John Murry, Philadelphia seaman; to the Committee on Rules.

SENATE

MONDAY, APRIL 29, 1940

(Legislative day of Wednesday, April 24, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Barney T. Phillips, D. D., offered the following prayer:

O most loving God, our unseen guide and teacher, who dost impart to us the lessons of life by voices and by silences, in moments of illumination as in hours of dimness and obscurity, through pleasure and through pain, in the animating thought which brings us strength, and in the temptation which sorely tries us: We commit ourselves to Thee in the faith that, because of Thee without whom there is nothing, all is well even that which seems to us most ill. Thou art the fountain of justice and mercy, and dost ever guard Thy children with Thy tender, watchful care, for even in the darkness Thou abidest and aboundest, and we walk the while in the shadow with our God.

Harken, therefore, to us in the midst of all the pain and strife of these dark days and comfort us, but teach us everyone to shun all vain delights and to live laborious days for the sake of our country and the restoration of peace to a sin-sick world. We ask it in the name of Him who for the joy that was set before Him endured the cross, despising the shame, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, April 26, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	King	Sheppard
Ashurst	Donahey	La Follette	Shipstead
Austin	Downey	Lodge	Slattery
Bailey	Ellender	Lucas	Smathers
Bankhead	Frazier	Lundeen	Smith
Barbour	George	McKellar	Stewart
Barkley	Gerry	McNary	Taft
Bilbo	Gillette	Maloney	Thomas, Idaho
Bone	Glass	Mead	Thomas, Okla.
Bridges	Guffey	Miller	Thomas, Utah
Brown	Gurney	Minton	Tobey
Bulow	Hale	Murray	Townsend
Burke	Harrison	Norris	Truman
Byrd	Hatch	O'Mahoney	Tydings
Capper	Hayden	Overton	Vandenberg
Caraway	Herring	Pittman	Van Nuys
Chandler	Hill	Reed	Wagner
Chavez	Holman	Reynolds	Walsh
Clark, Idaho	Hughes	Russell	Wheeler
Clark, Mo.	Johnson, Calif.	Schwartz	White
Connally	Johnson, Colo.	Schwellenbach	Wiley

Mr. MINTON. I announce that the Senator from South Carolina [Mr. BYRNES] and the Senator from Rhode Island [Mr. GREEN] are unavoidably detained from the Senate.

The Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senator from Oklahoma [Mr. LEE], the Senators from West Virginia [Mr. HOLT and Mr. NEELY], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] is absent on important public business, and that my colleague the junior Senator from Vermont